



Accession Number.

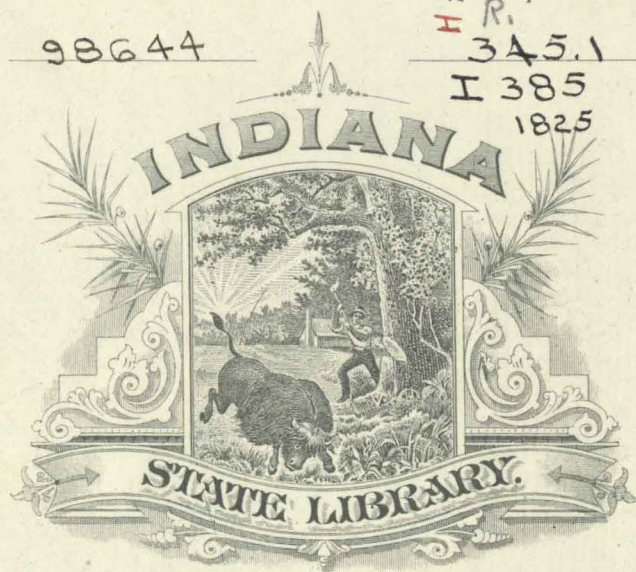
98644

Class Number.

I R.  
345.1

I 385

1825



February 14, 1922

Wm. S. Burford, Secy.



*Abel Loomap Book*

**LAWS**

*Abel Loomap Book*  
OF THE  
*W. Stewart*

**STATE OF INDIANA,**

PASSED AND PUBLISHED, AT THE NINTH SESSION

OF THE

**GENERAL ASSEMBLY;**

HELD AT INDIANAPOLIS, ON THE SECOND MONDAY IN JANUARY, IN THE  
YEAR ONE THOUSAND EIGHT HUNDRED AND TWENTY-FIVE.

---

**BY AUTHORITY.**

---

INDIANAPOLIS:

Douglass and Maguire, printers.

1835.

INDIANA STATE LIBRARY



*Handwritten notes at the top of the left page, including "3.26" and "Jan 1825".*

98644

IR  
345.1  
I 385  
1825

*Vertical handwritten notes on the gutter: "J. H. Patton" and "147122".*

L A W S  
OF THE  
STATE OF INDIANA.

CHAPTER I.

An Act to reduce the Salary of the Agent of the State at Indianapolis.  
[APPROVED—JANUARY 22, 1825.]

*Be it enacted by the General Assembly of the State of Indiana,* That the salary of the agent of the state at Indianapolis, shall hereafter be the sum of one hundred dollars, and no more. Salary of the agent reduced  
This act to take effect from and after its passage.

CHAPTER II.

An Act giving further powers to the Agent of the State for the town of Indianapolis, and for other purposes.  
[APPROVED—FEBRUARY 12, 1825.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the agent of the state for the town of Indianapolis is hereby authorized and required to offer for sale, on the first Monday in May next, all the reserved lots in the town of Indianapolis which are situated upon Washington street, and between Meridian and New-Jersey streets; also, lot number nine in square number forty-two, lots number nine and five in square number forty-four, lots number one and five in square number fifty-seven, and lot number one in square number sixty-four; giving at least two months notice of the time, place and conditions of such sale in the newspapers printed in said town of Indianapolis, and in one of the papers printed at Brookville, Madison, Salem, Evansville and Terre-Haute, and in the Cincinnati Gazette, printed Agent to make sale of certain reserved lots.  
Public notice to be given.

98644  
February 14, 1822



at Cincinnati, and in the Morning Post, published at Louisville, Kentucky.

SEC. 2. Every purchaser of any of the lots hereby authorized to be sold shall pay to the agent, at the time of making such purchase, one fifth part of the purchase money; the residue to be paid in four equal annual instalments, with interest from the day of sale; and if any of the said several instalments on any of the said lots, together with the interest thereon, is not paid within three months after they shall severally become due, the said lot together with the payments which may have been made thereon shall be forfeited to the state; and it shall be the duty of the agent to take possession of such lot or lots, that may have become forfeited, for sale under the terms and conditions specified in this act, giving two months notice thereof: *Provided however*, That if the said instalments are punctually paid, on or before the days on which they respectively become due, no interest shall be required: *And provided also*, That the original purchaser of any lot or lots hereby authorized to be sold may, at any time after the same shall become forfeited and before the sale thereof, redeem the same by paying to the agent the amount of the instalment due, with the interest thereon and the costs of advertising the same.

SEC. 3. The said agent is furthermore authorized and required to lease, to the highest bidder, the ferry with two acres of ground on the east side of the river, and one acre on the west side, immediately adjoining the landing on the West Fork of White River opposite to Indianapolis, for the term of five years, for a certain rent payable annually; and take a bond with good freehold security, payable to the agent and his successors in office for the use of the state; conditioned for the payment of the rent yearly, that the lessee will at all times keep a sufficient number of hands, boats and other crafts for the conveyance of travellers and passengers, and that at the expiration of such lease the said lessee shall leave at the ferry, for the use of the state, a good and substantial ferry-boat, capable of conveying a loaded wagon and four horses, together with a good canoe or skiff.

SEC. 4. The auditor of public accounts is hereby authorized to audit, and the treasurer of state to pay to B. F. Morris, late agent for Indianapolis, the sum of one hundred and sixty-seven dollars and seventy-five cents, in full discharge of the contingent and incidental expenses of the agency for two years, ending on the eleventh day of January one thousand eight hundred and twenty-five, exclusive of the costs of advertising the sale of lots on the twenty-fourth of January last, the amount of which has not been rendered.

SEC. 5. If any person shall cut, bark, bore, or otherwise injure or destroy any tree or sapling standing on the lands

of the state adjoining to Indianapolis, he, she or they shall forfeit and pay six dollars for every tree, and four dollars for every sapling so cut, injured or destroyed, one half to the state and the other to the informer, to be recovered in an action of debt before any justice of the peace for the proper township.

SEC. 6. It shall be the duty of the agent aforesaid, to cause to be cleared out the timber and obstructions in Pogue's run, so far as the same is included in the original plat of Indianapolis; and the expenses incurred for said clearing shall be paid out of the funds arising from the sale of lots in said town of Indianapolis, to be paid by said agent: provided such expenses shall not exceed fifty dollars.

SEC. 7. That the agent of the state for the town of Indianapolis be, and he is hereby required to lay off one more tier of out-lots on the north and south sides of the said town, of the same size and dimensions of the twenty out-lots laid off and sold on the twenty-fourth of January last; which he shall offer for sale, at the court-house door in said town, on the first day of the next term of the supreme court, to be held on the first Monday in May next, to the highest bidder, on the same credit and terms on which the said last out-lots were sold; of which sale the said agent shall give one month's previous notice, by advertising the same in the same public newspapers in which he is directed to publish the sale of in-lots, as provided by the first section of this act.

SEC. 8. *Be it further enacted*, That the collection of the debt due the state from Thomas Carter, be suspended for the term of fourteen months, and no interest shall be charged on the said debt for said term of time.

This act to take effect and be in force from and after its passage.

### CHAPTER III.

An Act to authorize the Agent of the three per cent. fund to pay over certain moneys therein named.

[APPROVED—FEBRUARY 12, 1825.]

WHEREAS, By an act, entitled "An act for improving the navigation of the river Wabash," approved, January 31, 1824, all the three per cent. fund which was due to the counties of Knox, Sullivan, Vigo, Vermillion and Parke was appropriated for the improvement of the Wabash; and whereas the agent of the three per cent. fund has refused, in consequence of said appropriation, to pay over any money due to said counties for the payment of com-

Penalties for injuring or destroying timber.

How to be recovered.

Agent to cause Pogue's run to be cleared out.

Expenses how paid.

Agent to make sale of out-lots.

When and where.

Terms of sale.

Notice of sale to be given.

Suspension of claim against T. Carter.

Preamble.



## Administrators.

tracts entered into by the road commissioners, which contracts were entered into before the taking effect of said act: Therefore,

*Be it enacted by the General Assembly of the state of Indiana,* That the agent of the three per cent. fund, be, and he is hereby authorized and required, to pay over to the road commissioners of the state road from New-Albany to Vincennes, or to their order, all the money that was due said road, prior to the first day of August, one thousand eight hundred and twenty-four, including the sum due to that part of said road, lying and being in the county of Knox. This act to be in force from and after its passage.

Agent required to pay certain moneys.

## CHAPTER IV.

An Act authorizing the Administrators of the estate of John H. Piatt, to sell all the real estate of the deceased, in the state of Indiana.

[APPROVED—FEBRUARY 11, 1825.]

Preamble.

WHEREAS, It has been represented to the General Assembly, that John H. Piatt, of the city of Cincinnati, died intestate, without issue, in possession of various tracts of land, situated in different sections and counties in the state; that it is necessary for the payment of his debts, the wish of the administrators and the heir at law, that the same should be sold: that under the existing laws it would be attended with delay, and great expense: For remedy whereof,

J. H. Piatt's adm'r's authorized to sell real estate.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Isaac Dunn and Benjamin M. Piatt, administrators of the estate of the said John H. Piatt, deceased, in the state of Indiana, be, and they are hereby authorized to sell, and convey to the purchaser or purchasers, on full payment of the consideration money, subject to the widow's dower, all the real estate of which the said John H. Piatt died possessed, in the said state: *Provided however,* That no sale shall be made by virtue of this act, until after the administrators shall have made out, and filed in the clerk's office of the Dearborn circuit court, a true and correct schedule of all the different tracts of land, belonging to the said estate, describing the number of acres in each tract, the section, town, range and county, in which situated.

Proviso that a schedule shall first be filed in the circuit court of Dearborn.

Schedule to be sworn to.

SEC. 2. That on the said administrators' filing such schedule, supported by oath of one or both of them, it shall be the duty of the court, at any of their sittings to transact probate business, in the said county of Dearborn, on application of the said administrators, or either of them, to cause

## Administrators.

the said schedule to be entered of record, and make an order for the sale of the several tracts of land therein mentioned and described as aforesaid; together with the manner, and the length of the notice to be given previous to such sale, and the place where sold, provided such notice shall not be less than thirty days, nor published in less than two weekly newspapers, published in said state.

To be recorded.

Court to order sale.

Notice of sale to be given.

SEC. 3. That it shall be the duty of the said administrators, within two months after such sale, to make and return to the said court, a schedule of such sale, describing each tract sold, the considerations upon which sold, the amount sold for, and to whom sold; and within one year thereafter, pay the proceeds of such sale or sales, after deducting all reasonable expenses attending such sale, to be judged by the said court, and retaining as administrators, all legal and just demands they shall have against the said estate, over to the administrators of the estate of the said John H. Piatt, in the city of Cincinnati, Hamilton county, Ohio, or to the heir at law of the said John H. Piatt, deceased, and take a receipt therefor; which receipt or receipts, so taken, either from the said administrators in Ohio aforesaid, or the heir at law, shall be a sufficient voucher, when filed in the Dearborn court, to authorize the said court to settle with the said administrators in this state.

Schedule of lands sold to be made.

Proceeds of sale, to whom paid.

Voucher therefor to be taken.

SEC. 4. *And be it further enacted,* That the deeds of conveyance, so made by the said administrators in pursuance of this act, shall be good and sufficient in law and equity, to all bona fide purchasers under the provisions of this act.

Sales declared to be valid.

## CHAPTER V.

An Act authorizing the Administrator and Administratrix of the estate of Thomas Osborn, deceased, to complete a conveyance to certain Lands therein named.

[APPROVED—FEBRUARY 7, 1825.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That it shall and may be lawful for the administrator and administratrix of the estate of Thomas Osborn, deceased, to file a statement at full length, on the chancery side of the Franklin circuit court, in the county of Franklin, against David Alyea, Joseph Alyea and Joseph Love, who on the twenty-sixth of October, in the year of our Lord one thousand eight hundred and twenty-four, purchased of the said administrator and administratrix, the following described real estate, to wit: that parcel of land, beginning at the bank of said Thomas Osborn's mill-race, on the west

Adm'r's authorized to institute a proceeding in the circuit court of Franklin.

Recital of purchasers of land.

Description and bounds of lands.



side thereof, where the line between Robert and William Rusing crosses the said race, thence north seventy-seven and a half degrees, east sixteen poles and eight links to the middle of the river; thence up the middle of the river north thirty-six degrees, west fourteen poles; thence north thirty eight degrees, west fourteen poles; thence north thirty nine degrees, west eighteen poles and eleven links; thence south forty-eight degrees, west sixteen poles; thence south thirty-nine and a half degrees, east eleven poles and eleven links; thence thirty-nine degrees, east fourteen poles; thence south thirty-six degrees, east fourteen poles, to the beginning corner, containing four acres and twenty-four square poles, more or less; situate, lying and being in the county of Franklin and state of Indiana, and a part of the south-west quarter of section twenty-one, town ten, range two west; and being the premises commonly called Osborn's mills; also, the following tract or parcel of land, to wit: being all that part of the south-west quarter of section number twenty-one, in township number ten, and range number two, west of the meridian line, drawn from the mouth of the Great Miami river, and bounded as follows, that is to say: beginning at the mouth of the tail race of the mill, commonly known by the name of Osborn's mill, on the west bank of the East branch of White Water river; thence north thirty-five degrees, west along the margin of the tail race nine poles, to a sycamore tree on the east side of said tail race; thence north thirty degrees, west twenty poles to a box-elder; thence north thirty-four degrees, west twenty-five poles to a stake on the east side of the head race of said mill; thence south seventy-five degrees, west six poles to a stake; thence south thirty-three degrees, east twenty-five poles to a stake; thence south forty-five degrees, west two poles to a stake; thence south thirty-three degrees, east twenty poles to a stake; thence east to the aforesaid tail race; thence along the west margin of the said tail race to its junction with the river; thence to the place of beginning; containing one acre and ninety poles, be the same more or less; being a part of the premises called Osborn's mills; and against the heirs of the said Thomas Osborn, deceased, setting forth the whole of the facts distinctly in relation to the said sale, and the consideration thereof; whereupon it shall be the duty of the court, forthwith to appoint a guardian ad litem for the said heirs, who may shew cause, if any thing they can shew, why the said conveyance shall not be made to the said purchasers; and if cause as aforesaid is not forthwith shewn by the said heirs, then it shall be the duty of the circuit court, before whom the said statement may be filed, to make a decree, requiring the said administrator and administratrix on a day to be named by the court, to make and execute a deed for the said land to the said pur-

Guardian ad litem to be appointed for T. Osborn's heirs

Circuit court to make decree, ordering conveyance, &c.

chasers; and to proceed in such other and further manner, as may be equitable and just, to consummate said conveyance; which said title, when so made, shall be good and valid to all intents and purposes; and that on making such decree as aforesaid, it shall and may be lawful for the court to require bond from the said administrator and administratrix, as in other cases, with such conditions and in such amount, as they may in their discretion, deem sufficient for the security of the heirs of the said estate of Thomas Osborn, deceased, before they shall be authorized to complete said conveyance.

Bonds may be required of adm'rs.

## CHAPTER VI.

An Act making General Appropriations for the year Eighteen Hundred and Twenty-five.

[APPROVED—FEBRUARY 12, 1825.]

*Be it enacted by the General Assembly of the state of Indiana,* That there be appropriated for defraying the expenses of the present General Assembly, including pay to the members thereof, secretaries, clerks, door-keepers, stationary, fuel, printing, binding, and distributing the laws and journals, and making marginal notes and index to the laws, together with all other expenses incident to the session aforesaid, the sum of eight thousand five hundred dollars: For the executive department, two thousand three hundred dollars: For the judiciary department, five thousand six hundred dollars: For the expenses of the penitentiary, including the transportation of convicts, one thousand dollars: For the circuit prosecuting attorneys, the sum of one thousand two hundred and fifty dollars: For the agent at Indianapolis, one hundred dollars: For military expenses, one hundred dollars: For the payment of the public debt, and interest thereon, nine thousand seven hundred and eighty dollars: For defraying the contingent expenses of the government, for the year one thousand eight hundred and twenty-five, one thousand eight hundred dollars; and for the payment of specific allowances contained in the act, entitled "An act making specific appropriations for the year eighteen hundred and twenty-five," and which are not embraced in the preceding general appropriations, two thousand six hundred dollars.

Legislative appropriations for 1825.

Executive.

Judiciary.

Penitentiary.

Prosecuting attorneys.

Indianapolis agency.

Military.

Public debt.

Contingent fund.

For specific appropriations.

This act to take effect, and be in force from and after its passage.



# Appropriations, Specific.

## CHAPTER VII.

An Act making Specific Appropriations for the year One Thousand Eight Hundred and Twenty-five.

[APPROVED—FEBRUARY 12, 1825.]

Compensation to officers of the two Houses.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the principal and assistant secretary of the Senate, and the principal and assistant clerk of the House of Representatives, shall severally be allowed the sum of three dollars and fifty cents per day; and the enrolling secretary of the Senate, and the enrolling clerk of the House of Representatives, the sum of three dollars and fifty cents per day, for each and every day they may have served as such, during the present session; the door-keeper of the Senate, and the door-keeper of the House of Representatives, the sum of two dollars and twenty-five cents per day, for each and every day they may have served as such, during the present session.

To Samuel Merrill.

That Samuel Merrill be allowed the sum of sixty dollars and fifty-five cents, for cash advanced by him for expenses incurred in removing the property of the state from Corydon to Indianapolis, over and above the amount of receipts for the property of the state sold as directed by the joint resolution of the General Assembly, approved, January thirtieth, eighteen hundred and twenty-four; and also one hundred dollars for his personal trouble and expenditure in packing and removing the property of the state, by said Merrill as aforesaid.

To J. Paxton.

That James Paxton be allowed the sum of twenty-four dollars and fifty cents, for putting up cases and other work in the office of the secretary of state.

To C. Dewey.

That Charles Dewey be allowed fifty dollars, for the balance of his fee in the case of the State of Indiana, against the President, Directors and Company of the bank of Vincennes, the State bank of Indiana, on an information in the nature of a quo warranto.

To J. Keigwin.

That James Keigwin be allowed the sum of five dollars and eighty-one cents, being the balance of his account against the state prison.

To J. H. Farnham, assignee, &c.

That John H. Farnham be allowed forty-six dollars, a stated claim by the former agent of the state prison, in favour of James Keigwin, said Farnham's assignor.

To J. A. Lingan.

That Joseph A. Lingan be allowed the sum of two dollars and fifty cents, for advertising contract to build wall of state prison.

To Ira Westover.

That Ira Westover be allowed the sum of eighty dollars, for covering the wall of the state prison; for plastering done to said prison, the sum of fifty-three dollars; and for deficit on account of his allowance, as former keeper of said prison, made at the last session of the General Assembly, the sum

# Appropriations, Specific.

of thirty-three dollars and ten cents; making in the whole, the sum of one hundred and sixty-six dollars and ten cents.

That Samuel Merrill, treasurer of state, be allowed twenty dollars, for office rent for the year eighteen hundred and twenty-four. To treasurer for office rent.

That William H. Lilly, auditor of public accounts, be allowed twenty dollars for office rent for same year. To auditor for office rent.

That Jesse Shields, sheriff of Harrison county, be allowed thirty-six dollars, for eighteen days attendance on the supreme court at the November term thereof, in the year 1824. To sheriff of sup. court.

That Joseph Paddocks, late sheriff of said county, be allowed twenty-two dollars, for attendance on the supreme court, at their May term in the year 1824. To late sheriff of sup. court.

That James Givan and Co. be allowed two dollars and twelve and a half cents, for sundries furnished this present General Assembly. To J. Givan, and Co.

That Isaac N. Phipps and Co. be allowed five dollars and sixty-two and a half cents, for sundries furnished the present General Assembly.

That Henry Bradley be allowed two dollars, to be paid by the agent of Indianapolis, out of the funds of his agency. To H. Bradley.

That James Duke be allowed three dollars, for furnishing a table for the use of the Speaker of the House of Representatives. To J. Dyke.

That the Governor for the time being, be allowed at the rate of two hundred dollars annually for house rent. To Governor for house rent.

SEC. 2. That the sum of one thousand dollars be hereby appropriated, out of the fund created by the sale of lots in and adjoining the town, to build on lot number one, in square number sixty-eight in Indianapolis, a substantial brick house for the residence of the treasurer of state, to contain the offices of the treasurer and auditor, and a fire-proof vault for the better security of the funds and records of the state; and that the treasurer be, and he is hereby authorized to contract for the erection of said building with the best bidder therefor, and to direct the form and fashion thereof. Appropriation for building offices &c.

SEC. 3. That six hundred dollars be hereby appropriated to procure from the several registers' offices, maps and descriptions of the lands of the United States, within the state of Indiana, for the use of the auditor's office, as directed in the act, to amend the act "for assessing and collecting the revenue." For purchasing maps of lands.

SEC. 4. That the auditor of public accounts and treasurer of state be, and they are hereby directed, immediately after the passage of this act, to count and burn all the treasury notes in the treasury department, and enter the same on all the necessary books, journals and ledgers of the department, so as to give the proper credits on the books, and absolutely discharge the said department from any further Treasury notes to be burnt.



accountability therefor; and the said auditor and treasurer shall every three months thereafter, count, burn and enter in like manner, all the treasury notes which may be paid into the treasury, until all the treasury notes which have been issued, shall be so counted and burned as aforesaid.

Per cent. on  
sales of lots  
allowed to  
aud. & treas.

Sec. 5. That the said treasurer of state be allowed one per cent. and the auditor one half per cent. on the moneys arising from the sale of lots in the town of Indianapolis and received and paid out by said treasurer, and which has not before been allowed to said auditor and treasurer.

Compensa-  
tion to Landis  
and Bolton.

To Landis and Bolton the sum of two hundred and four dollars, eighty-seven and a half cents, for stationary, fuel and sundries furnished the present General Assembly.

To M. Scud-  
der.

To Matthias Scudder for a paper case and table for the clerk of the supreme court, fifteen dollars.

To G. C.  
Lane.

To George G. Lane for laying a hearth in the Senate chamber, one dollar fifty cents.

To N. Bolton.

To Nathaniel Bolton for one table-chair, five dollars.

To J. Ayde-  
lott.

To John Aydelott for stationary and other articles furnished the last General Assembly, and not paid for, the sum of seventeen dollars and fifty cents.

This act to be in force from and after its passage.

## CHAPTER VIII.

An Act authorizing the docketing with the Clerks of the Circuit Courts, the transcripts of judgments obtained before Justices of the Peace in certain cases.

[APPROVED—FEBRUARY 10, 1825.]

*Be it enacted by the General Assembly of the state of Indiana,*

Clerks docket  
transcripts of  
judgments  
rendered by  
J. P.

Fee for so do-  
ing.

Transcript to  
whom deliv-  
ered.

Entries so  
made, to bind  
real estate.

Fi. fa. may not  
issue until jus-  
tice shall cer-  
tify, &c.

That the clerks of the circuit courts in the several counties within this state, shall enter on their dockets transcripts of judgments, obtained before justices of the peace of their proper county, (without the agency of an attorney) for the fee of twenty-five cents; which transcript the justice shall deliver to any plaintiff, his agent, or attorney who may apply for the same; and which judgments, from the time of such entries on the docket of such clerk of the circuit court, shall bind the real estate of such defendant, or defendants; but no fieri facias shall be issued by any such clerk, until a certificate shall be first produced from the justice, before whom the original judgment was entered, stating therein that an execution had issued to the proper constable, as directed by law, and a return thereon, that no goods or chattels could be found, sufficient to satisfy said judgment: *Provided also*, That no such writ of fieri facias shall be issued by such clerk, until a summons, or scire facias shall have is-

sued against such defendant or defendants, notifying him, her or them to appear before the circuit court of the proper county, to shew cause, if any he can shew why such writ of fieri facias or execution, should not issue against him, her or them on said judgment. Nor until the return of a summons, or scire facias.

## CHAPTER IX.

An Act, amending the Act "establishing a County Treasurer"—Approved, January 31, 1824.

[APPROVED—FEBRUARY 3, 1825.]

*Be it enacted by the General Assembly of the state of Indiana,* That each and every collector of county taxes shall pay into the county treasury, such funds as he shall receive in payment of said taxes at the time prescribed by law; the collector shall make out, and deliver to the county treasurer, a list giving the number and amount of county orders, and also the amount of specie, bank notes that are at par, or treasury paper which he may or shall have received in payment of said taxes, the truth of which list shall be attested by the affidavit of the collector, to be taken before any officer authorized by law to administer an oath. Collector to pay over such funds as he may receive for co. taxes. List of funds to be made, and attested by the oath of collector.

## CHAPTER X.

An Act for the relief of Collectors of the State Revenue for the year Eighteen Hundred and Twenty-four.

[APPROVED—JANUARY 23, 1825.]

**WHEREAS**, The late removal of the seat of Government, and the postponement of the session of the present General Assembly, have rendered it impossible for collectors to transmit their county dues to the seat of government by the members of the legislature, which has heretofore been practised; and as the following enactments under such circumstances, can afford no precedent hereafter, inasmuch as similar causes cannot be expected to exist: Therefore,

**SEC. 1.** *Be it enacted by the General Assembly of the state of Indiana,* That the five per centum which the various collectors of the state revenue for the year eighteen hundred and twenty-four, may have incurred by the non-payment thereof into the state treasury on the second Monday of De-

Preamble.

Collectors of  
revenue dis-  
charged from  
per centum.



## County Boundaries.

ember, eighteen hundred and twenty-four, be, and the same is hereby remitted on all, or any part thereof which may be paid into the state treasury on or before the last day of the present session of the General Assembly.

When per centum to be refunded.

SEC. 2. That any and every collector who may have paid the amount of his taxes due from his county for the year eighteen hundred and twenty-four, into the treasury subsequent to the second Monday in December, eighteen hundred and twenty-four; and who shall have been, previous to the passage of this act, charged with, and have paid the five per cent. damages, the said five per cent. shall be refunded to the said collector or collectors, and the treasurer is hereby directed to pay the same out of any moneys in the treasury not otherwise appropriated.

## CHAPTER XI.

An Act, to amend the Act "relative to County Boundaries"—Approved January thirty-first, Eighteen Hundred and Twenty-four.

[APPROVED—FEBRUARY 12, 1825.]

Preamble.

WHEREAS, In consequence of some omission, or mistake, at the last session of the General Assembly, it appears that the county of Union is destitute of any specific boundaries: for remedy whereof,

Boundaries of U. county described.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That all that district of country, included within the following boundaries, shall form, and constitute the county of Union, to wit: Beginning at the south west corner of section number twenty-four, in township number thirteen north, and range, number thirteen east of the second principal meridian; thence east with the section line, twelve miles to the line between the states of Indiana, and Ohio; thence north to the north east corner of section number twelve, in township number twelve north, and range number one west of the second principal meridian; thence west twelve miles, to the north west corner of section number twenty-five, township number fifteen north, and range number thirteen east of the second principal meridian; thence south to the place of beginning: And in all suits heretofore commenced, in any court within said county, neither party shall plead the want of jurisdiction therein.

first  
Want of jurisdiction not to be pleaded in any suit heretofore commenced.

This act to take effect, and be in force from and after its passage.

## County Boundaries.

## CHAPTER XII.

An Act attaching part of the County of Delaware to the County of Marion.

[APPROVED—FEBRUARY 12, 1825.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That all that tract of country lying within the following boundaries, to wit: Beginning on the county lines of Marion county, where the line of Hamilton county intersects the same, at the south west corner of said Hamilton county; thence north to the line dividing townships eighteen and nineteen; thence west twelve miles; thence south to Hendricks county; thence east to the place of beginning, shall be, and the same is hereby attached to the county of Marion for all purposes of civil, and criminal jurisdiction.

Boundaries of country attached.

For what purposes attached.

SEC. 2. Persons residing within the bounds above attached to the county of Marion, shall be entitled to all the rights, and privileges, and be subject to the taxation, and other regulations to which the citizens of Marion county are, or may be entitled, and subject.

Rights, privileges and duties of persons attached.

This act to take effect and be in force from and after its passage.

## CHAPTER XIII.

An Act to attach part of the County of Pike to the County of Gibson.

[APPROVED—FEBRUARY 3, 1825.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That from, and after the passage of this act all that part of the county of Pike which is included within the following bounds be, and the same is hereby separated from the county of Pike, and attached to and shall hereafter form, and constitute a part of the county of Gibson, to wit: Beginning on the range line dividing ranges nine, and ten west of the second principal meridian where the base line crosses the same; thence east with said base line one mile to the sectional line dividing sections thirty-one, and thirty-two in township one north of range nine, west of the second principal meridian; thence south with the last mentioned sectional line to the north west corner of section seventeen in township one south of range nine, west of the second principal meridian; thence east with the sectional line dividing sections eight and seventeen, nine and sixteen, to the north west corner of section fifteen; thence south with the sectional line dividing sections fifteen and sixteen,

Line between Pike and Gibson changed.

Future boundaries described.



## County Boundaries.

until it crosses the Patoka River; thence down the said river with the meanders thereof to the range line dividing ranges nine and ten, west of the second principal meridian; thence north with the said range line to the beginning.

Saving as to  
suits, revenue,  
&c.

SEC. 2. That all suits, pleas, complaints, actions and proceedings, now pending in the said county of Pike, and such part thereof as is hereby attached to the county of Gibson shall be prosecuted to final effect, and all taxes now assessed shall be collected, and paid over in the same manner as if this act had not been passed.

This act to be in force from and after its passage.

## CHAPTER XIV.

An Act attaching part of the County of Warrick to the County of Spencer.

[APPROVED—FEBRUARY 10, 1825.]

Boundaries  
attached to  
Spencer.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That all that part of the county of Warrick included within the following boundaries, viz: Beginning on the Ohio River four miles west of the Spencer county line; thence running north to Little Pigeon creek; thence up the said creek, with the meanders thereof to the line of Spencer county; thence south to the Ohio River; thence down the Ohio River to the place of beginning, shall hereafter constitute, and form a part of the county of Spencer, as fully, to all intents and purposes, as if the foregoing boundaries had been originally included in the boundaries of said county of Spencer.

Saving as to  
suits commen-  
ced, revenue,  
&c.

SEC. 2. All complaints, pleas, suits, causes of action, and prosecutions of what kind, and nature soever, existing at the time of the publication of this act shall be continued, and carried on to final judgement, and execution as if this act had not been passed: *Provided however,* That all taxes laid, and revenue collected, for county purposes, from that part of the county of Warrick by this act attached to the county of Spencer shall be collected for, and on account of the county of Warrick for the term of four years from the passage of this act; and the said revenue so assessed, and collected, shall be paid over by the proper officer or officers to the county treasurer of the county of Warrick for the term of time aforesaid.

## County of Clay.

## CHAPTER XV.

An act for the formation of a new county out of the counties of Owen, Sullivan, Vigo and Putnam.

[APPROVED—FEBRUARY 12, 1825.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That from, and after the first day of April next, all that tract of country included within the following boundaries, shall form, and constitute a new county to be known and designated by the name of the county of Clay, to wit: Beginning at the south west corner of township numbered nine, of range number seven; thence east ten miles; thence north twelve miles; thence east six miles; thence north nine miles; thence west four miles; thence north nine miles; thence west ten miles; thence south six miles; thence west two miles; and thence south twenty-four miles, to the place of beginning.

Boundaries of  
Clay county.

SEC. 2. The said new county of Clay shall from and after the said first day of April next, enjoy all the rights, privileges and jurisdictions, which to separate, and independent counties do, or may properly belong, or appertain.

Time when  
constituted.

SEC. 3. That John Denny of Putnam county, James Bigger of Owen county, Rezin Shelby of Vigo county, Jacob Bell of Parke county, and James Smith of Greene county, are hereby appointed commissioners, agreeably to the act entitled "An act for fixing seats of justice in all new counties hereafter to be laid off." The said commissioners shall meet at the house of David Thomas in the said county of Clay, on the second Monday in May next; and shall immediately proceed to discharge the duties assigned them by law. It is hereby made the duty of the sheriff of Owen county to notify said commissioners, either in person, or in writing of their appointment, on or before the first Monday in May next; and for such service he shall receive such compensation out of the county treasury of said county of Clay, as the board of Justices thereof may deem just and reasonable, to be ordered, and paid as other county claims are paid.

Commission-  
ers to fix a  
seat of justice,  
named.

Where and  
when to meet.

Sheriff of O-  
wen to notify  
com'rs.

His compen-  
sation there-  
for.

SEC. 4. The county board of Justices of said new county shall, within twelve months after the permanent seat of justice shall have been selected, proceed to erect the necessary public buildings therein.

Public build-  
ings to be e-  
rected.

SEC. 5. That all suits, pleas, complaints, actions, prosecutions, and proceedings heretofore commenced, and pending, within the limits of said county of Clay, shall be prosecuted to final issue in the same manner; and the state and county taxes, which may be due on the first day of April next, within the bounds of said county of Clay, shall be collected,

Saving as to  
suits.

Revenue, &c.



and paid in the same manner and by the same officers, as if this act had not been passed.

Place of holding courts.

SEC. 6. The county board of justices shall meet at the house of David Thomas in said county, on the first Monday in November next, and then and there proceed to do, and transact all such necessary county business, as may be required by law.

Clay county attached to 1st judicial circuit.

Citizens thereof, how and where to vote.

SEC. 7. The said county of Clay shall be attached to the first judicial circuit, and shall continue to be attached to the several counties from which it has been taken, for the purpose of electing senators, and representatives to the state legislature and other state officers; and in all elections for any of said officers, the citizens thereof shall vote at the same places, and in the same manner they would have done, if the erection of said new county had not taken place.

## CHAPTER XVI.

An Act to amend the act, entitled "An act to regulate the Judicial Circuits, and fixing the times of holding Courts."

[APPROVED—FEBRUARY 12, 1825.]

Courts in the first circuit, when holden.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the circuit courts in the first judicial circuit of this state shall hereafter be held on the days and times following, to wit: In the county of Orange, on the first Mondays in March, and fourth Mondays in August; in the county of Martin, on the second Monday in March, and fifth in August; in the county of Daviess, on the third Monday in March, and first Monday in September; in the county of Knox, on the fourth Monday in March, and second Monday in September; in the county of Sullivan, on the second Monday in April, and fourth Monday in September; in the county of Vigo, on the third Monday in April, and first Monday in October; in the county of Parke, on the fourth Monday in April, and second Monday in October; in the county of Vermillion, on the Thursdays immediately succeeding the commencement of the courts in Parke county; in the county of Montgomery, on the first Monday in May, and third Monday in October; in the county of Putnam, on the Thursdays immediately succeeding the commencement of the courts in Montgomery; in the county of Owen, on the second Monday in May, and fourth Monday in October; in the county of Greene, on the third Monday in May, and first Monday in November; and the circuit courts in the counties of Orange, Daviess, Martin, Sullivan, Vigo, Owen, and Greene, shall each sit six days

if the business of said courts shall require it; and the circuit courts to be held in the county of Knox, shall each sit twelve days if the business shall require it; and the circuit courts to be held in the counties of Parke, Vermillion, Montgomery and Putnam, shall each sit three days if the business require it.

How long their sessions may continue.

SEC. 2. The circuit courts in the second circuit shall be held on the days, and times following: In the county of Scott, on the first Monday of March, and third Monday in July; in the county of Jefferson, on the second Monday of March, and fourth Monday of July; in the county of Jennings, on the fourth Monday of March, and second Monday of August; in the county of Jackson, on the first Monday of April, and third Monday of August; in the county of Lawrence, on the second Monday of April, and fourth Monday of August; in the county of Washington, on the third Monday of April, and first Monday of September; in the county of Harrison, on the third Mondays of May and September; in the county of Floyd, on the fifth Monday of May, and first Monday of October; and in the county of Clark, on the first Monday of June, and second Monday of October; and said courts may severally sit so long as their business may require, provided that their sessions do not interfere with the court in the next succeeding county in said circuit.

Courts in the second circuit when holden.

How long they may continue.

SEC. 3. The circuit courts in the fifth judicial circuit shall be held on the days, and times following, to wit: in county of Monroe, on the first Mondays in March, and fifth Mondays in August; in the county of Morgan, on the Thursdays succeeding the second Mondays in March, and first Mondays in September; in the county of Johnson, on the third Mondays in March, and second Mondays in September; in the county of Shelby, on the Thursdays immediately succeeding the courts in the county of Johnson; in the county of Bartholomew, on the fourth Mondays in March, and third Mondays in September; in the county of Decatur, on the first Mondays in April, and fourth Mondays in September; in the county of Rush, on the Thursdays immediately succeeding the courts in the county of Decatur; in the county of Henry, on the second Monday in April, and first Mondays in October; in the county of Marion, on the third Mondays in April, and second Monday in October; in the county of Hamilton, on the fourth Mondays in April, and third Mondays in October; in the county of Hendricks, on the Thursdays immediately succeeding the courts in the county of Hamilton. The courts to be held in the county of Monroe, shall each sit nine days if the business thereof shall require it; and those in the counties of Bartholomew, Henry, and Marion, shall each sit six days if the business shall require it; and the courts to be held in

Courts in the fifth circuit, when holden.

How long their sessions may continue.



the counties of Morgan, Johnson, Shelby, Decatur, Rush, Hendricks, and Hamilton, shall each sit three days if the business shall require it.

Monroe attached to 5th circuit.

Madison attached to the 2d circuit.

Allen attached to 5th circuit.

Courts of Crawford, when holden, and how long.

Additional jurors to be drawn in certain counties.

Mode of compensation to jurors changed.

Exemptions of jurors repealed.

Change of terms legalized.

SEC. 4. The county of Monroe shall be attached to, and form a part of the fifth judicial circuit; and the county of Madison shall be attached to, and form a part of the third judicial circuit. The circuit court of the county of Madison, shall sit on the second Mondays in May and November, and shall sit twelve days if the business thereof shall require it.

SEC. 5. The county of Allen shall be attached to, and form a part of the fifth judicial circuit; and the terms of said courts shall be the first Mondays in June, and the third Mondays in November; and said circuit court for the county of Allen shall sit six days if the business thereof shall require it.

SEC. 6. The circuit courts in the county of Crawford shall commence on the Thursdays after the courts in the county of Perry, and shall sit six days if the business shall require it.

SEC. 7. It shall be the duty of the boards of justices in the several counties in which the circuit courts are by this act directed to sit two weeks if the business shall require it, to cause such additional number of jurors to be drawn, as to allow twenty-four petit-jurors to attend each week of such term; and the clerks and sheriffs of such counties respectively, shall cause such additional jurors to be drawn, and summoned to attend such court on the second Monday of the term, and such jurors shall be subject to the same penalties for failing to attend as they are subjected to by the act regulating the summoning and empannelling of grand and petit-jurors, approved, January 31, 1824.

SEC. 8. The present fees allowed to jurors, shall hereafter be taxed and collected as other costs are, and shall be paid by the sheriff into the county treasury; and the clerks of the respective circuit courts, shall issue to each grand and petit-juror empannelled, and serving during the session, or to any other juror, serving as such, a certificate shewing the time he has served as such, and there shall be allowed to each grand and petit-juror, fifty cents per day; and the county treasurer shall pay the same from the fund hereby set apart for that purpose, or out of any other moneys in the treasury not otherwise appropriated.

SEC. 9. So much of all laws and parts of laws, as exempts grand-jurors from working on roads and performing military duty, is hereby repealed; and all laws or parts of laws coming within the purview of this act are also hereby repealed.

SEC. 10. All suits, pleas, complaints, writs, recognizances and prosecutions whatever, which were made by virtue of the act to which this is an amendment, or any other act or law returnable to any other day or time, than the days and times

herein named for holding circuit courts, be, and the same are hereby made returnable to the days and times herein specified for holding circuit courts, in the several counties therein named.

This act to take effect from and after its passage.

## CHAPTER XVII.

An Act to authorize Called Sessions of the Circuit Courts.

[APPROVED—FEBRUARY 12, 1825.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That whenever hereafter any person or persons shall be confined in any county jail within this state on any charge of a criminal offence, and shall be unable to give bail for his, her or their appearance at the next term of the circuit court of the county where they may be imprisoned, it shall be the duty of the sheriff of such county, or such other person as may be acting as sheriff of such county, forthwith to fix upon a day for the trial of such person or persons accused, which day shall be in the vacation of all courts in that circuit, and the said sheriff shall, at least six days before such trial, notify the president judge of the circuit where the crime is committed, of such called session, whose duty it shall be to repair to said trial, and to act and adjudicate thereon in all respects as though the said term was a regular term of the said circuit court.

SEC. 2. It shall be the duty of the sheriff to summon the pannel of grand and petit-jurors, or so many of them as may be necessary, of the last preceding term of the circuit court, who shall be governed in all respects as though the said term was a regular term of the circuit court of the county; and the said court, when convened, shall have all the powers whatsoever to punish contempts, coerce the attendance of witnesses and jurors, and to supply all deficiencies in the pannel of jurors, and to carry into effect the laws as fully and completely as they could do at a regular term of the circuit court, and shall be governed in all respects as though the said term was a regular term.

SEC. 3. It shall be the duty of the sheriff, or acting sheriff, upon fixing the day on which such special session of the circuit court shall be holden, forthwith to file a notification

Special sessions, when called.

Sheriff to fix a day.

In vacation.

Notify the pres't judge.

Grand and petit jury to be summoned.

Powers of the court.

Notification of the day fixed, to be filed.



tion thereof, in the office of the clerk of the county where such court is to be held, after which time the clerk shall be governed in all respects, not otherwise provided for, as though the said called session was a regular term.

Further powers of court.

SEC. 4. The circuit courts aforesaid, at their special sessions as provided for by this act, shall have power to take recognizances for the appearance of witnesses, defendants, &c. returnable to any subsequent day they may appoint, or to the first day of the next regular term of the circuit court, which recognizances shall have the same force and effect, of recognizances taken in term time according to their conditions.

Proof in prosecutions on forfeited recognizances.

SEC. 5. In any prosecution hereafter commenced on any forfeited recognizance which may have been taken at any called session of a circuit court, no other proof shall be required of the regularity of such called session, than the records of such term.

Sheriff to notify accused persons.

SEC. 6. It shall be the duty of the sheriff of the proper county, when he shall have fixed upon the day of trial, to give the accused person a written notice of the same; and such circuit court shall adjourn from day to day until they shall have terminated said trial or trials, or continued such as may not be prepared for trial till the next term of the circuit court. In no case shall the associate judges hold a session of the circuit court for the trial of any accused person in the absence of the president of the circuit.

Court may adjourn de die in diem.

Sheriff to notify prosecuting attorney.

SEC. 7. The sheriff shall, in like manner, give to the circuit prosecuting attorney the same notice that he is required to give to the president judge, whose duty it shall be to attend such called session, and prosecute in the same manner as though the said term was a regular term, and all the indictments found at a called session of any circuit court, shall be deemed and taken as indictments found at a special term of the circuit court of the county, and no proof whatever shall be required of the regularity of such term, other than would be required on the trial of an indictment found at a regular term of the circuit court.

Duty of prosecuting attorney.

Indictments, how deemed and taken.

Court may make allowances.

SEC. 8. The said circuit court at their called sessions, shall be authorized to make such allowances to clerks, sheriffs and other officers, for extra and necessary services during such called session, as they shall think reasonable and just; which said allowances shall be charged on the county as similar allowances at the regular terms of said courts: *Provided however*, That on failure of the regular prosecuting attorney to attend at the term of any such called courts, it shall be the duty of the court to appoint one, who shall receive such compensation for his services as such, as the said court may deem just and reasonable, which shall be deducted out of the annual salary of such regular prosecuting at-

Special prosecuting attorney may be appointed.

His compensation.

torney; and the certificate of the clerk of such court, shall be a sufficient voucher for the auditor to audit and the treasurer to pay the same.

## CHAPTER XVIII.

An Act legalizing the proceedings of the Board of Commissioners of Vermillion county for the year eighteen hundred and twenty-four.

[APPROVED—FEBRUARY 11, 1825.]

WHEREAS, It is represented to this General Assembly that some difficulties have arisen, and do exist from the supposed illegality of the proceedings of the board of county commissioners of Vermillion county, who were sworn into office by the sheriff before he was duly qualified to act, and in consequence of the said commissioners meeting for the transaction of business at the clerk's office, which was not the place appointed for the courts of said county to be holden: Therefore,

Preamble.

*Be it enacted by the General Assembly of the state of Indiana*, That the proceedings of the board of commissioners of Vermillion county, for the year eighteen hundred and twenty-four, be, and they are hereby legalized.

Proceedings legalized.

This act to take effect and be in force from and after its passage.

## CHAPTER XIX.

An Act legalizing the proceedings of the Courts doing County business in the Counties of Marion, Hamilton and Allen.

[APPROVED—FEBRUARY 7, 1825.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the assessment by the boards of commissioners in the counties of Marion, Hamilton, and Allen, of fifty cents poll tax on each white male inhabitant in their respective counties, for the year one thousand eight hundred and twenty-four, for county purposes, be, and the same is hereby legalized to all intents and purposes.

Assessment legalized.

SEC. 2. The proceedings of the board of justices of the county of Allen which consists of three members only, are hereby declared legal, and as valid to all intents and purposes as if the board had consisted of five members as required by law.

Proceedings of the B. J. of Allen, legalized.



*Damages in Sullivan—Enumeration of Inhabitants.*

Appointment  
of collector for  
Henry county  
legalized.

SEC. 3. The proceedings of the board of justices of the county of Henry in appointing a collector of the state, and county revenue, for the year one thousand eight hundred and twenty-four, on the twenty-seventh day of November in said year, is hereby legalized to all intents and purposes, as though the same appointment had been made at their meeting in February under the provisions of an act, entitled "An act for the assessing, and collecting of the revenue."

This act to be in force, and take effect from and after its passage.

## CHAPTER XX.

An Act to provide for the payment of certain claims allowed by the Circuit Court of Sullivan County.

[APPROVED—FEBRUARY 7, 1825.]

*Be it enacted by the General Assembly of the State of Indiana,* That an act entitled "An act for improving the navigation of the River Wabash," approved, January thirty-first, eighteen hundred and twenty-four shall not be so construed as to have any effect, or in anywise prevent the collection of the damage, or damages allowed any person or persons by the circuit court of Sullivan county, under the provisions of an act, entitled "An act to provide for the altering of state roads, and for other purposes," approved, January ninth, eighteen hundred and twenty-three; but that all such damage or damages so allowed, and not paid shall be collected under the provisions of the last mentioned act, of January ninth eighteen hundred and twenty-three, in the same manner, and under the same rules, and regulations as if the aforesaid act of January thirty-first eighteen hundred and twenty-four had never been enacted; any law, usage, or custom to the contrary notwithstanding.

How certain  
allowances for  
damages shall  
be paid.

This act to take effect and be in force from and after its passage.

## CHAPTER XXI.

An act to provide for taking the Enumeration of the free white male inhabitants above the age of twenty-one years.

[APPROVED—FEBRUARY 3, 1825.]

SEC. 1 *Be it enacted by the General Assembly of the state of Indiana,* That, on or before the first day of October of the

*Enumeration of Inhabitants.*

present year it shall be, and is hereby made the duty of each, and every clerk of the circuit court within, and for their respective counties, under the seal of their said courts to certify to the secretary of state the whole number of white male paupers, and insane persons, and persons exempt from a poll tax, who are not certified to the auditor of public accounts, that belong to, or are inhabitants of their several counties.

Duty of clerks  
of circuit  
courts.

SEC. 2. That it shall be, and it is hereby made, the duty of the auditor of public accounts, on or before the first day of November of the present year to certify to the secretary of state the whole number of polls returned from each county for the present year.

Duty of Aud.  
of pub. ac'ts.

SEC. 3. That it shall be, and it is hereby made the duty of the secretary of state, on the first day of the next session of the General Assembly, to furnish the speaker of the House of Representatives, and the president of the Senate, each, for the inspection of their respective houses, with a certified statement exhibiting the whole number of polls returned from each county, with the number of paupers, insane persons, and persons exempt from a poll tax who are not certified to the auditor of public accounts.

Duty of the  
sec'y of state.

SEC. 4. That if the clerk of any circuit court in this state, the auditor of public accounts, or secretary of state, shall refuse or neglect to discharge the duties enjoined upon them by this act, he, or they so offending shall forfeit and pay, for the use of county seminaries, the sum of fifty dollars to be recovered by presentment or indictment in the circuit court having jurisdiction thereof, or on motion to be made by the circuit prosecutor for the proper county.

Penalties.

SEC. 5. That it shall be the duty of the several listers for the present year in making return of the polls in their several counties to distinguish and report the whole number of persons of color who may be included in their return, which shall also be noticed by their clerk in his report to the auditor of public accounts, and by the auditor of public accounts in his report to the secretary of state, and by the secretary of state in his report to both Houses of the General Assembly.

Duty of listers

Auditor P. A.  
Sec'y of state.

This act shall be in force from and after its publication in the Indiana Journal.



## CHAPTER XXII.

An Act, to amend the act, entitled "An act regulating the taking up of Animals going estray, and Water crafts and other articles of value adrift"—Approved, January seventh, eighteen hundred and twenty-four.

[APPROVED—FEBRUARY 7, 1825.]

Duty of the taker up.

Duty of justice and constable

when property vested in the taker up.

Repeal.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That hereafter when any person may have taken up any estray hog, sheep, goat, or neat cattle under the provisions of the act to which this is an amendment, and the same is not claimed, and proven within one year from the time of taking up, it shall be the duty of the taker up within ten days after the expiration of the said term of one year, (unless he elect to pay the amount of appraisement into the county treasury, after deducting all reasonable charges, as provided in the sixth section of the said act) to go before some justice of the peace of the proper township, and inform him that the property remains unclaimed; and such justice shall thereupon direct some constable of his township to advertise and sell such estray or estrays, giving ten days notice of such sale; who shall return the proceeds of the sale to the justice making such order; and the justice after paying to the taker up and constable, the proper fees or allowances, as provided in the act to which this is an amendment, shall pay the residue into the county treasury, retaining fifty cents for his own services: *Provided,* That where the appraised value of the property taken up and unclaimed does not exceed five dollars, the property shall be vested in the taker up, and it shall not be necessary to report the same as unclaimed.

SEC. 2. So much of the sixth section of the act to which this is an amendment, as requires the taker up of any sheep, hog, goat or neat cattle, to produce the same at the county seat, if not claimed in one year, be, and the same is hereby repealed.

## CHAPTER XXIII.

An Act, supplementary to an act, entitled "An act subjecting Real and Personal Estate to Execution," and for other purposes.

[APPROVED—FEBRUARY 12, 1825.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That upon all judgments heretofore rendered, or which may hereafter be rendered by any court of record in this state, it shall be lawful for the clerk of such court, on the application of the judgment creditor, by himself, or his

agent or attorney, at his election, to issue either a writ of *Ca. sa. or fi. capias ad satisfaciendum* or a *fieri facias* against the judgment debtor, according to the usage and custom of courts respecting the same: *Provided however,* That no such writ of *capias ad satisfaciendum* shall issue until after the return of a writ of *fieri facias*, that no goods and chattels can be found, unless the said judgment creditor, his agent or attorney, shall make and file in the proper clerk's office, an affidavit, stating that he verily believes that the judgment debtor is about to leave the state without leaving behind him a sufficiency of property subject to execution, to satisfy said judgment, or that he verily believes the said judgment debtor will, or does conceal his property, for the purpose of defrauding his creditor or creditors.

SEC. 2. That whenever any writ of *capias ad satisfaciendum* shall hereafter issue, directed to the sheriff or coroner of any other county than that in which said judgment shall be rendered, it shall not be the duty of such sheriff or coroner, to deliver the body of the execution debtor to the jail of the county where such judgment may have been rendered; but such sheriff or coroner shall proceed to execute the said writ as if it had issued within his own county, and certify his proceedings thereon to the court from whence the said writ may have emanated.

SEC. 3. That whenever any sheriff in this state shall receive any writ of *capias ad respondendum* from a foreign county, to him directed, it shall be his duty to execute the same, and of his doings thereon make due return to the court from whence the said writ shall have issued, and also deliver the body of the defendant or defendants to the jail of the county from whence said writ issued, unless such defendant or defendants shall give special bail as in other cases.

SEC. 4. That if execution shall hereafter issue, upon any judgment, which, by virtue of the act to which this is a supplement, may be repleviable, it shall be the duty of the sheriff to take replevy bonds with good and sufficient freehold security, made payable to the plaintiff, and conditioned for the payment of the principal, interest and costs which may be required by the execution; which bond shall be returned to the clerk's office of the county from whence such execution issued, and be recorded by the clerk; and the recognizances which shall be hereafter taken of record by the clerks for the payment of money, as authorized by the eleventh section of the law to which this is a supplement, and the replevin bonds taken by the sheriffs as aforesaid, shall have the force and effect of judgments, and shall operate as a lien on the real estate of the security from the date of the recognizance or replevy bond, and execution shall issue thereon

Conditions upon which a *Ca. sa.* shall issue in the first instance.

Judgment debtor, where imprisoned on a *Ca. sa.*

Defendants arrested upon a *capias ad respondendum*, where to be imprisoned

Sheriffs may take replevy bonds.

Replevy bond to be recorded.

Recognizances of replevy bail, and replevin bonds, shall have the force and effect of judgments.



against the principal and his securities, as upon joint judgments, and without scire facias.

Replevy bonds to be entered of record.

Original judgment not satisfied by replevy.

Execution debtors to tender property in time to enable the officer to sell, or lose his right of selection.

Subpoenas may issue to foreign counties.

Constables, their duty in trials of the right of property.

In executing process upon absent defendants.

Clerks may take replevy bonds.

SEC. 5. It shall be the duty of the clerks of the courts of record in this state, to enter in his judgment docket, in the same manner other judgments are directed to be entered, all replevy bonds which shall be returned by the sheriff or other officer as aforesaid, and note the time of entering the same; but the entering of bail of record for the payment of the principal, interest and costs of any judgment, or entering into a replevy bond with the sheriff or other officer as aforesaid, shall in no case be construed as a satisfaction of the original judgment, so as to destroy the lien upon the original judgment debtor's real estate.

SEC. 6. That in the exercise of the privilege, allowed to execution debtors, by the second section of the act to which this is a supplement, in setting apart property for execution, it shall be the duty of any such debtor to make his selection in time for the sheriff or other officer to sell by the return day, and moreover give in execution such portion of his estate, as in the opinion of such sheriff or other officer will be sufficient to pay the claim; and if such execution debtor shall fail or refuse to so set apart a sufficient portion of his estate in time to sell, such officer shall proceed to sell such real and personal estate as he can find, belonging to such execution debtor.

SEC. 7. It shall be the duty of the clerks of the circuit courts to issue subpoenas for witnesses to any county within this state, at the request of any party interested in any suit pending in their respective courts.

SEC. 8. In all trials of the right of property, it shall be the duty of any constable, who may have executed the writ by which any property may have been levied upon, to be governed by the ninth section of the act to which this is a supplement; the provisions of the thirty-fourth section of the act regulating the jurisdiction of justices of the peace to the contrary notwithstanding.

SEC. 9. It shall be lawful for any constable, to whom may be directed any summons, from any justice of the peace, to execute the same by leaving a copy at the residence of the defendant, in case he should be absent; but if any such defendant shall have left home on business or otherwise for any time which will render his return uncertain, the constable shall not leave a copy of such summons, but return it, and notice the fact in his return.

SEC. 10. That it shall be the duty of the several clerks of the circuit courts to take replevy bonds, with good and sufficient freehold security, for the stay of execution on any judgment rendered in any of their courts respectively, for any debt, damages, interest, costs, fines or forfeitures, agreeably to the provisions of the act to which this is a supple-

ment; and such replevy bonds when so taken by any such clerk, shall have the same force and effect, and the same proceedings be had thereon, as are provided in the case of replevy bonds taken by sheriffs.

SEC. 11. It shall be the duty of all sheriffs and other officers, to conform to, and be governed by this act, and the act to which this is a supplement, in the discharge of their duties in all cases where they may have to execute any writ of fieri facias, or other execution to them directed by the proper authority; any thing in the proviso of the third section of the act authorizing the printing of sundry private acts by their titles, and re-printing sundry statutes, and for other purposes, approved, January thirty-first, eighteen hundred and twenty-four, to the contrary notwithstanding.

SEC. 12. That justices of the peace shall have full power, and are hereby authorized to issue writs of capias ad satisfaciendum on all judgments rendered by them, under the same restrictions, rules and regulations, as is herein before provided for the issuing of similar writs by the clerks of the circuit courts.

Justices may issue writs of ca. sa.

## CHAPTER XXIV.

An Act to amend an act entitled "An act concerning Clerks," approved, January 31, 1824.

[APPROVED—FEBRUARY 12, 1825.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That in all cases where any of the clerks of the circuit courts or sheriffs of this state may have deceased, resigned or been removed from office, or shall hereafter die, resign or be removed from office, or whenever the official term of any of those officers shall have expired, said clerk or sheriff, if living, shall have power and he is hereby authorized to issue fee bills in his own name for any fees due and owing him, in the same manner that he could have done had he remained in office, and subject to the same restrictions, penalties and limitations as acting clerks and sheriffs are now subject to in the collection of their fee bills.

Clerks and sheriffs who may resign, be removed, &c. may collect their fees.

Restrictions and penalties.

SEC. 2. In all cases where a clerk of any circuit court or sheriff may have deceased, the acting clerk of the proper county shall issue fee bills for all fees due said deceased clerk or sheriff, and the sheriff shall collect the same in the same manner that other fees are collected, and subject to the same restrictions and regulations: *Provided,* That the said clerks and sheriffs, issuing fee bills from the dockets of

Fees of deceased officers may be collected.



Officers not liable for improper charge of deceased person.  
Fee of clerks in such cases.

Persons availing themselves of the benefits of this act, to file bond.

How payable and for what use.

Judgment thereon, to remain cautionary.

Penalty for overcharging.

Saving as to securities.

Fee-bills to be taxed and allowed.

any deceased clerk or sheriff, shall not be liable for any error or improper charge made by such deceased clerk or sheriff: *Provided also*, That the clerk for making out and issuing the fee bills of any deceased clerk or sheriff shall be entitled to the same per centum on all fees so collected, that the sheriff is for collecting them.

SEC. 3. No clerk nor sheriff, nor their executors, administrators or legal representatives shall have the benefit of this act, until he or they shall first execute and file, in the office of the clerk of the circuit court of the proper county, a bond with security to be approved by the clerk aforesaid, conditioned to indemnify and save harmless, all persons against whom such fee bills shall issue, from all damage or injury by reason of any illegal or improper charge in any of the fee bills aforesaid; which bond shall be taken, in the name of the state of Indiana for the use of any person or persons who may conceive themselves injured, who may sue on the same, and the same shall not be void on the first recovery; but any judgment thereon shall remain cautionary until the whole penalty be exhausted: *Provided*, That any such clerk or sheriff as may issue a fee bill, or ask, demand or receive any greater fee than that allowed by law at the time the service was rendered, or for any service for which payment has been made, shall be liable to the penalty now exacted or that might be exacted of any clerk now in office; nor shall fee bills be issued against any security for a longer term than three years past: *Provided*, That no fee bill shall be issued for collection until the same has been taxed or allowed by the court, or a judge, or master in chancery of such court.

## CHAPTER XXV.

An Act to Incorporate the town of Charlestown in the county of Clark.

[APPROVED—FEBRUARY 12, 1825.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That James Sharp, Littleton Howard, John Carr, John M. Lemon, Alevitius T. Green, James C. Caldwell, and William McMillen, be appointed a board of trustees, of the town of Charlestown; a majority of whom shall form a quorum, and continue in office until the first Monday of December one thousand eight hundred and twenty-five, and until their successors are chosen and qualified; which said trustees, and their successors in office, shall be, and are hereby created, and made a corporation, and body politic, by the name, and style of the trustees of Charlestown,

Trustees appointed.

Majority a quorum.

Their term of service.

Incorporated.

and by that name shall be, and are hereby made able, and capable, both in law and equity, to sue, and be sued, plead, and be impleaded, answer, and be answered unto, defend, and be defended, in any court in this state; to ordain, establish, and put in execution such by-laws, ordinances and regulations, as shall to the said trustees seem necessary; to keep in repair, and remove any obstructions in the streets and alleys in the town, to remove nuisances of every kind; to erect market houses and other public buildings; to sink and keep in repair public wells, and generally to ordain, establish and put in execution such by-laws, ordinances, and regulations, for the good government of the said town as to the said trustees may seem necessary, not inconsistent with the constitution, and laws of this state.

SEC. 2. That said corporation shall have perpetual succession, and for that purpose every person resident in the corporation having a legal or equitable title to property therein, shall be entitled to vote for trustees; which trustees shall be elected annually, on the first Monday of December, and shall hold their offices until their successors shall be elected and qualified, and shall have power from time to time to fill vacancies by appointing a successor or successors, who shall hold their office until the next annual election of trustees.

SEC. 3. That the sheriff, for the time being of the county of Clark, be authorized, and it is hereby made his duty to hold the election for the said seven trustees on the first Monday of December aforesaid, of which elections it shall be the duty of said sheriff to give fifteen days notice thereof, by advertisement in any public newspaper in the said county or on the door of the court house; and such elections shall be held in such manner, as may be consistent to the laws of this state, not repugnant to the provisions of this act.

SEC. 4. That the said board of trustees shall appoint a clerk to their board, an assessor, collector and a treasurer, who shall as well as said trustees, before entering into the duties of their office, severally take an oath or affirmation, before some person authorized to administer the same, faithfully and impartially to discharge the duties of their respective offices.

SEC. 5. It shall be the duty of the clerk of said board to keep a record of the proceedings of said board in a book provided by said board, and shall officially attest the same. It shall be the duty of the assessor to assess the value of the lots in said town, not including the improvements thereon, and to make return thereof to the said board, according to such form and at such times as the board may direct; and upon the return of such assessment of lots, said board shall levy a tax thereon at such rate as to them may seem neces-

Their corporate powers.

Succession.

Trustees elected annually.  
Vacancies how filled.

Elections for trustees; by whom; at what time; on what notice, and in what manner to be holden.

Trustees to appoint officers of the corporation.  
Trustees and officers to be sworn.

Duties of the clerk.

Duties of the assessor.

Tax, how to be assessed.



sary, not to exceed two third per centum per annum on such valuation, and on no other property shall they levy any tax whatever; the said board shall require the collector to give bond with security to the said board and their successors, in double the amount to be collected, conditioned for the faithful collection, and payment to the treasurer of their board of the taxes assessed as aforesaid, in such manner as may be directed by the board, who shall provide by ordinance the manner of proceeding in such collection and for the advertisement, sale, redemption and conveyance of property sold under provisions, not inconsistent with the revenue laws of the state. The said board shall also require the treasurer by them appointed to give bond and security in such sum as to said board may seem right, conditioned for the faithful discharge of the duties of his office, and for the paying over of such monies in his hands, subject to the order of said board of trustees, attested by their clerk. Said board may make such allowance to the several officers appointed by them as they may deem reasonable for the services rendered by such officers.

SEC. 6. The limits of the corporation shall extend to, and embrace the original plat of the town of Charlestown, together with any addition or additions which have been or may hereafter be made thereto.

SEC. 7. It shall be the duty of said board of trustees in the months of May and November in each year, to publish a statement of the receipts and expenditures of said corporation, in some public newspaper in said town of Charlestown three times in said months of May and November.

This act to take effect, and be in force from and after its publication in any newspaper in said county of Clark.

Collector to give bond.

mode of collecting tax.

Treasurer to give bond.

Compensation to officers

Limits of the corporation.

Trustees to publish statement of receipts and expenditures.

## CHAPTER XXVI.

An Act, to amend the act, entitled "An act to Incorporate the town of Madison in the county of Jefferson," approved, December 22, 1823.

[APPROVED—FEBRUARY 3, 1825.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the trustees of the town of Madison shall have power to appoint a lister in the month of May in each and every year, who shall take an oath and enter into bond, with security to be approved of by said trustees, for the faithful discharge of his duties; and it shall be the duty of such lister to make a fair list of all taxable persons and property, placing the names of the persons taxable, and those owning taxable property, in alphabetical order, noting parti-

Lister to be appointed. Who shall be sworn and give bond. His duty.

cularly the lots or fractions of lots that are taxable in said town, to whom they belong, and whether to residents or non-residents, and it shall be the duty of such lister to take to his assistance two freeholders in said town, who, together with himself, shall take an oath faithfully, and impartially to value such real property as may be taxable in said town, and proceed to value the same, and it shall be the duty of such lister to make his return of said property, both real, and personal together with the valuation of the real property thus valued as aforesaid on or before the first day of July in each year, and it shall be the duty of the trustees aforesaid in the month of July in each year to assess a tax agreeably to the provisions of the act to which this is an amendment.

Tax to be assessed.

SEC. 2. The trustees of the town of Madison are hereby authorized to appoint a collector who shall enter into bond with security to be approved of by said trustees, conditioned that he will faithfully pay over all monies that may come to his hand as collector for the corporation of the town of Madison, to the treasurer of said corporation, or such persons as the trustees aforesaid shall authorize to receive the same, and that he will diligently, and faithfully discharge his duties as such; and it shall be the duty of such collector to make, subscribe, and file an affidavit with the clerk of said corporation that he will diligently and faithfully discharge his duties as collector for said corporation, and such collector shall hold his office one year unless sooner removed by said trustees.

Collector to be appointed, who shall give bond.

And be sworn.

Continue in office 1 year.

SEC. 3. It shall be the duty of the clerk of said corporation to make out a fair list of all the persons taxable in said town as also a list of the taxable property in said town agreeably to the list returned by the lister, setting forth the name of the person, the article of property both real and personal, the valuation of real property, and the amount of tax assessed upon each individual, and the amount of tax assessed upon each article of property, and shall deliver the same to the collector on or before the first day of August annually, and certify the amount of taxes contained in such list to the treasurer of said corporation.

Duty of the clerk to make a list of taxable persons &amp; property.

Deliver to collector.

SEC. 4. It shall be the duty of the collector to receive the amount of taxes due from each individual on or before the first day of September annually, and in all cases where persons owing taxes to said corporation shall not pay the same on or before the first day of September as aforesaid it shall be the duty of the collector to collect the same by distress, and sale of any of the personal property of such delinquent, and the list so put into his hands as aforesaid, certified by the president of the board of trustees, and attested by the clerk, shall be sufficient authority for such collector to make distress, and sale of any of the personal property of persons who may be owing tax to said corporation, by such collector.

Duty of collector to receive taxes.

When to collect by distress and sale. By what authority.



And on what notice.

or's giving ten days notice of the time, and place of such sale by posting up three written advertisements of that fact in three of the most public places in said corporation.

When lots to be sold for taxes.

SEC. 5. That in all cases where the tax due and owing to said corporation cannot be made of the personal property of the person owing the same by the authority aforesaid it shall be the duty of such collector to sell the lots, or parts of lots in said town belonging to such persons as may be owing tax as aforesaid or so much thereof as will satisfy such tax, and costs; and it shall be the duty of such collector to advertise such lots, or fractions of lots as aforesaid at least twenty days prior to such sale, by advertising the same in some public newspaper, published in said town, or by posting up five written advertisements in five of the most public places in said town particularly noting said lots by their number, or some certain description.

On what notice.

SEC. 6. It shall be the duty of the collector to sell such lots or so much thereof as will pay the tax, and costs due from the owner thereof to the highest bidder, or to the person who will pay the tax and costs for the smallest portion of the lot and shall give to the purchaser a certificate for such lot, or fraction of lot particularly describing the same by its number or other certain description together with the amount paid for the same; and where the owner of such lot or any person for him shall pay the amount so certified by the collector to the purchaser or to the clerk of the board of trustees within two years after such sale shall have been made together with one hundred per centum per annum, such purchaser shall forfeit his claim to such lot, or fraction of lot, and in case the purchase money, and per centum shall be paid over to the clerk of the board of trustees it shall be the duty of such clerk to pay the same over to the purchaser on demand, and take his receipt therefor.

Certificate to be given purchaser.

How owner may redeem.

SEC. 7. That in case the owner of such lot, or fraction of lot so sold as aforesaid, his agent, or attorney shall not pay the amount of the purchase money so certified as aforesaid together with the per centum thereon in manner above named within two years from the day of the sale thereof, it shall be the duty of the collector who shall then be in office to make a deed to the purchaser or his assigns for such lot, or fraction of lot, which deed acknowledged, and recorded agreeably to law shall vest all the right, title, interest, and claim of the person in whose name such lot was sold; and the assessment made on such lots shall be a lien on the same in the hands of any person who may purchase the same at private sale; and no conveyance made by the owner of such lot after the time such assessment is made shall so divest the owner thereof of the title to said lot as to interfere with the claim of a purchaser under the provisions of this act: *Provided*, That in all cases where such lots may

When deed to be made to purchaser.

Assessments made a lien on lots.

be listed and sold, the owner's name not being known, such sale shall vest all the right, title and claim of the person owning the same at the time such lot shall have been listed.

Sale valid when owner's name is not known.

SEC. 8. The collector is hereby authorized to adjourn his sale of lots in said town from day to day, for three days if he can not make sale of the same before the end of that time; and in all cases where no sale of any particular lot can be made, he shall return the same, and shall be allowed the amount of tax due thereon, which amount shall be charged to the owner thereof, and collected of him, or the person who may own the lot after the next ensuing assessment shall be made, and such collector shall be allowed, in addition to the allowance made by the trustees agreeably to the provisions of the act to which this is an amendment, fifty cents upon all sales made in pursuance of this act, to be collected of the person whose property may be sold.

Sale may be adjourned.

If no sale can be made, the tax due to remain a charge.

Additional allowance to collector.

SEC. 9. It shall be the duty of the collector to make return of his proceedings to the clerk of the board of trustees on or before the first day of November annually, and to pay over all monies that he may have in his possession belonging to the corporation, to the treasurer thereof or such other persons as he shall be directed to pay to by an order of the trustees; and the board of trustees are hereby authorized to receive the delinquent list presented by the collector if they shall deem it correct, and give him credit for the same.

When collector to make return and pay over moneys.

Delinquent list to be credited to collector if correct.

SEC. 10. All bonds given by the officers of the corporation of the town of Madison shall be made payable to the trustees of the town of Madison, and all suits commenced against such officers, or against any other person for the benefit of such corporation shall be commenced in the name of the "Trustees of the Town of Madison," without setting forth the name of any member of said trustees, and in all cases of delinquencies of the officers of said corporation, suits may be commenced against them individually, or against them, and their securities upon their bond, as the trustees may direct.

Official bonds payable to trustees. How suits to be commenced.

SEC. 11. The trustees of the town of Madison are hereby authorized to pass such by-laws, as may be necessary for organizing, and regulating fire companies, and to impose such fine on individuals who may refuse to attend for the purpose of being drilled as they may deem necessary to carry their regulations into effect, not to exceed seventy-five cents for each failure, to be collected by their collector as taxes are collected; and they are hereby authorized to levy a tax on all real property in said corporation, including improvements for one year, for the purpose of purchasing a fire engine: *Provided*, That the tax so levied shall not exceed one half per centum on the valuation of said proper-

Trustees may make laws to organize fire companies. How such law to be enforced.

Tax may be levied to purchase engine.



ty to be collected as other taxes in said corporation are collected.

First collector may act retrospectively.

SEC. 12. That the first collector appointed by the authority of this act is hereby authorized to collect all taxes that were assessed for the year 1824, and which remain uncollected at the time of his appointment, in the same manner that he is authorized to collect other taxes by the provisions of this act.

## CHAPTER XXVII.

An Act to Incorporate Medical Societies, for the purpose of regulating the practice of Physic and Surgery in this state.

[APPROVED—FEBRUARY 12, 1825.]

Preamble.

WHEREAS, The act heretofore passed for the incorporation of the medical societies of the state of Indiana, has expired; and whereas, the said societies by a committee have, in their petition presented to the legislature of this state, requested that the said societies may be created bodies corporate and politic, under such modifications and provisions as may be deemed useful and expedient; and it being manifestly for the public good and the promotion of true science and particularly the knowledge of the healing art, that the prayer of their petition should be granted: Therefore,

State medical society, how organized.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That it shall and may be lawful for the physicians and surgeons of the respective counties of this state, now authorized by law to practice in their professions, or who have been regularly licensed to practice as aforesaid, to meet in convention at the seat of government of this state, on the third Tuesday of this instant, or so soon thereafter as may be convenient, or any part of them not less than five in number, and shall proceed to the choice of a president, vice-president, secretary, treasurer, and such other officers as they may think proper; who shall hold their offices for one year, and until others be chosen in their places; and whenever the said society shall be so organized, they and their successors are hereby constituted and declared to be a body corporate and politic, in law and in equity, by the style and name of the Medical Society of the state of Indiana; by which name they shall be in law or equity, capable of suing and being sued, pleading and being impleaded, answering and being answered, of defending and being defended, in all courts and places, and in all matters and cau-

Officers thereof.

Declared a body corporate.

Powers as such.

ses whatsoever, touching and concerning their corporation; and shall and may have and use a common seal, and may change and alter the same at their pleasure; that they be, and are hereby authorized to fix the times and places of their meetings, and may purchase and hold any estate, real and personal, for the use of said society: *Provided always,* That if the said physicians and surgeons shall not meet and organize at such time and place as aforesaid, it shall be lawful for them to meet at such other time as a majority of them shall think proper, and their proceedings shall be as valid and effectual in law as if such meeting had been at the time before specified.

SEC. 2. That each circuit, as prescribed for holding circuit courts, shall compose one medical district, to be known as first, second or third medical district in the state of Indiana, according to the name of the circuits.

Location of medical districts.

SEC. 3. That it shall and may be lawful for the physicians and surgeons of the respective districts as aforesaid, who are now authorized by law to practice in their several professions, or who have been regularly licensed to practice as aforesaid, to meet together in their respective districts; and the several physicians and surgeons so convened as aforesaid, or any part of them, being not less than six in number, shall proceed to the choice of a president, secretary, treasurer and three censors: (*Provided however,* That if there are not a sufficient number of physicians and surgeons in any one district to form a society according to the provisions of this act, it may be lawful for two or more districts to be joined or consolidated for the purposes herein before declared;) said officers to continue in office one year, and until others shall be chosen in their places; and when the said societies shall be so organized as aforesaid, they and their successors are hereby constituted and declared to be severally, bodies corporate and politic, in law and in equity, by the style and name of the first, (second or third, as the case may be) Medical District in the state of Indiana; by which name they shall be in law or equity, capable of suing and being sued, pleading and being impleaded, answering and being answered, of defending and being defended, in all courts and places, and in all matters and causes whatsoever in their corporate capacity; and shall and may have and use respectively, a common seal, and may change and alter the same at their pleasure; that they respectively and severally be authorized and empowered to fix the times and places of their meetings, provided the same be within their respective districts; and may severally purchase and hold any estate, real and personal, for the use of said societies.

District societies.

Declared to be bodies corporate.

Powers as such.

SEC. 4. The state medical society established by the first section of this act, shall, at their second annual meeting, be

State medical society com-



posed of delegates, after their first meeting.

Delegates, how chosen, and for how long.

District societies, their first meeting.

Their time of meeting may be changed. Restriction.

To choose other officers.

State medical society, may form new districts, &c.

May establish a uniform system of study, and prescribe other rules.

May form a constitution, and enact by-laws.

composed of delegates from each district society; and the number to be elected and sent by each district society, shall be at least one and not exceeding five.

SEC. 5. That the delegates who shall compose the medical society of the state of Indiana, from each of the medical districts, shall be elected for the term of three years, immediately after they shall be assembled in consequence of the first election; they shall be divided as equally as possible into three classes; the seats of the delegates of the first class shall be vacated at the expiration of the first year, of the second class at the expiration of the second year, of the third class at the expiration of the third year, so that one third may be chosen annually by the district societies respectively.

SEC. 6. That the first meeting of the members of the several district societies, shall be in their respective districts on the second Monday of June next, at such place as the state medical society may designate; when they shall choose by ballot, delegates to compose the state medical society, according to the provisions of the fourth and fifth sections of this act.

SEC. 7. The said district societies shall have power to alter and change the times and places of their meetings, if a majority of them should deem it expedient: *Provided always*, That their meetings be held within their respective districts, and at least sixty days anterior to the annual meeting of the state medical society.

SEC. 8. The state medical society when thus formed, at their second annual meeting shall proceed to the election of a president, vice-president, secretary, treasurer, and five censors, who shall hold their offices respectively for the term of two years, and until their successors be chosen in their stead; and when so organized, the incorporating provisions of the first section are extended to them, and shall be construed to be a part of this section.

SEC. 9. The state medical society shall have power to form new district societies, and prescribe their bounds, or to alter the bounds of those now existing, or to consolidate two or more district societies into one.

SEC. 10. The state medical society shall also have power, and it shall be their duty as soon as practicable, to establish a uniform system of the course and time of medical study, and the qualifications necessary for license, give publicity to the same, and require the district societies to conform in their examinations and rules thereto.

SEC. 11. They shall also have power and authority to form to themselves a constitution and adopt such by-laws to promote the objects of the institution, provided they be not repugnant to the constitution, or laws of the United States or of this state; to expel any of their members for misconduct;

to levy a tax upon their own members not exceeding the sum of three dollars in any one year, and upon the respective district societies any sum not exceeding five dollars annually to be collected by the treasurer, for the purpose of procuring a medical library and apparatus for the encouragement of useful discoveries in chemistry, botany, pharmacy, and such other improvements as a majority of the society may think expedient: provided the system so adopted and published be approved of by a majority of the district societies.

SEC. 12. It shall be the duty of the president to preside over and preserve order in the society during their deliberations; in the absence of the president, the vice-president shall take the chair and perform all the duties of president.

SEC. 13. The treasurer of the state medical society, and the treasurer of each and every district medical society shall, before he enters on the duties of his office, give bond to the corporation with sufficient security to be approved of by the president and secretary of the society to which he belongs, in any sum which they may adjudge sufficient for the faithful discharge of the duties of his office; and respecting the other duties of the presidents, treasurers and other officers of the state medical society, or either of the district societies, they shall be prescribed and enforced by the constitutions and by-laws of the state medical society, or either of the district societies, or a majority of either of them may think expedient to form and adopt for the more efficient promotion of the objects and well being of the societies respectively; which when adopted, according to the provisions of this act, shall be as valid and binding upon the members of each and every of the societies as if they were incorporated in this act.

SEC. 14. It shall be the duty of the censors of the several district societies to examine all candidates for license, and if in their opinion the candidate is well qualified for the practice of physic, or surgery, or both, as the case may be, they shall grant him a diploma signed by their names and countersigned by the president and secretary of the said society, with the seal of the society affixed; which diploma shall authorize him to practice physic, or surgery, or both, as the case may be. But if in their opinion they, or a majority of them, adjudge the applicant's qualifications insufficient, they shall decline granting said applicant a diploma for practice as aforesaid: *Provided always*, That if any person feels himself aggrieved by the said censors, he may appeal to the society of which they are members, who are hereby required to take such measures as will most redound to the honor and dignity of the institution. Should the candidate feel aggrieved by the decision of the district society he may appeal to the state medical society, whose decision

Expel members, and levy a tax.

Funds, how expended.

President, his duties.

Treasurers to give bond.

Censors to examine and license.

Or reject candidates.

Appeal to district society.

Appeal to S. M. society.



# *Incorporation of Tanner's Creek Bridge Company.*

shall be final: *Provided also*, That it shall be the duty of the state medical society and of each of the district societies, in making up their decisions on the qualifications of any person offering himself as a candidate for license to practice as aforesaid, to take into consideration the moral character of the applicant, which if found to be bad, the censors are hereby enjoined to dismiss him without license.

Persons of bad moral character, not to be licensed.

SEC. 15. That it shall be the duty of the secretary of the state medical society, whenever the seats of any of the members shall become vacant to give information of the same in writing to the respective district society, to the end that such district society may supply such vacancy at their next meeting.

Vacancies in S. M. S., how filled.

SEC. 16. That it shall be lawful and it is hereby enjoined upon the treasurer of the state medical society immediately after he has been elected to office according to the provisions of this act, to call upon the treasurer and secretary of the state medical society, which was incorporated by an act of the General Assembly of the state of Indiana, and approved, December the 24th, 1816, also upon the secretaries and treasurers of the several district societies who were incorporated by an act of the General Assembly of the state of Indiana, approved, December the 24th, 1816, and demand of them or either of them all monies, books, papers, documents and other papers belonging to said society; and for the purpose of recovering and possessing the same, the same remedy shall be had as in other cases of unlawful detainer: *Provided* nothing herein contained shall be construed to extend to any physician that has practiced in this state for the term of five years, but he may if he thinks proper, join such individual society according to the rules and regulations of such society or societies.

Avails of former societies vested in treasurer.

## CHAPTER XXVIII.

An Act to Incorporate the Tanner's Creek Bridge Company.

[APPROVED—FEBRUARY 7, 1825.]

WHEREAS, It has been represented to this General Assembly, that the crossing of Tanner's creek at the state road leading from Lawrenceburgh to Indianapolis, and from Lawrenceburgh to Madison, is very difficult, and that a bridge over the same would be of great public utility:—  
Therefore,

Preamble.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Stephen Ludlow, Daniel Brown, Jesse Hunt, George H. Dunn, Daniel Plummer and Davis Weaver, of the county of Dearborn, be, and they are hereby appointed

Commissioners appointed.

# *Incorporation of Tanner's Creek Bridge Company.*

commissioners to carry into effect the several provisions of this act.

SEC. 2. *Be it further enacted*, That the said commissioners shall meet at the house of John Gray in the town of Lawrenceburgh, on the first Monday in March next, or at any other time or place that they or a majority of them may agree upon: and when any three of them are so met, they shall proceed to organize themselves by the election of such officers among themselves as may be necessary, keeping a record of all their proceedings, under, and by virtue of this act.

To meet, where and when.

How to organize themselves To keep a record.

SEC. 3. *Be it further enacted*, That it shall be the duty of said commissioners, or any three of them, as soon as practicable after being organized as aforesaid, to select the most favorable site for a bridge near the place where said road crosses said Tanner's creek, and when so selected they shall take the same at the appraisal of John Gray, David Guard, Thomas Porter, Isaac Dunn, or any three of them, who are hereby appointed appraisers for that purpose, and shall pay the proprietors of the same the amount of such valuations by permitting them to subscribe the amount thereof in the stock of said company. And the said commissioners shall give public notice that they will at a certain time and place, open books in which to receive subscriptions for the stock of said company, on the terms following, that one dollar shall be paid on every share at the time of subscribing, and that no person or company shall be permitted to subscribe for more than one share each, until the expiration of twenty days after the books are opened, and the said commissioners are hereby authorized to erase from the said subscription book, the name of such person or company as shall refuse to pay the said sum of one dollar on each share by him, or them so subscribed.

To select site for a bridge.

Site to be appraised, and paid for in bridge stock.

Stock how to be subscribed for.

Advance of \$1 per share, and other terms of subscription.

SEC. 4. *Be it further enacted*, That the capital stock of said company shall be five thousand dollars, divided into shares of five dollars each, and that it shall be governed, and directed by a board of five directors, who shall be stockholders. That each share shall entitle the legal holder thereof to vote at all elections for directors &c: *Provided* however, That no one person or company shall have more than three votes, nor shall the board of directors be authorized to call for more than one dollar on each share at any one time; and they shall give at least thirty days notice between each instalment; and should any share holder neglect or refuse to pay any such instalment, after public notice is given of the time when the same is required to be paid, the share or shares, the instalment on which shall not be paid, and all the monies before paid thereon, shall be forfeited to the use of the company.

Amount of capital.

How divided into shares. Government of the company.

Stock payable in instalments

Stock how forfeited.

SEC. 5. *Be it further enacted*, That whenever the whole



Election for directors, when, and upon what notice.

Com'rs to transfer books and moneys to directors.

Company incorporated.

Directors may elect a president. His and their term of service. Vacancies, how filled. Further powers of directors.

Rates of toll.

How long the corporation to continue.

This charter how forfeited.

Company shall not shut or obstruct state road.

On failure of subscription, moneys to be returned, and

number of shares shall have been subscribed for, it shall be the duty of said commissioners to give immediate notice thereof, calling upon the subscribers to meet at a certain time and place in such notice to be specified, to hold an election for directors. And so soon as the said board of directors are chosen, the said commissioners shall transfer over to them all the books and papers relating to said company, more particularly the subscription book and the minutes of the proceedings of the said commissioners; and they shall also pay over unto the board of directors all the monies received by them on account of said company.

SEC. 6. *Be it further enacted*, That so soon as the first board of directors are chosen, the said company shall be, and is hereby incorporated, and shall be known by the name of "the directors and company of the Tanner's creek bridge," and by that name shall be entitled to all the powers and privileges incident to a corporation.

SEC. 7. *Be it further enacted*, That the said board of directors shall have the power of electing their president out of their own number, who, together with themselves, shall serve for one year, and until their successors are chosen; and all vacancies in the said board during the year, shall be filled up by the remaining members. And the said board of directors shall appoint all other officers that may be necessary, and fix the rate of their compensation, enact by-laws, make contracts, draw orders on their treasurer, and do and transact all the necessary business of said company.

SEC. 8. *Be it further enacted*, That the rates of toll to be charged for passing said bridge shall be the same as the rates now allowed by the county commissioners of the county of Dearborn for ferriage across said creek.

SEC. 9. *Be it further enacted*, That this act of incorporation shall continue and be in force until the state of Indiana or the county of Dearborn, or either of them, shall purchase said bridge; the right to do which is hereby given, by paying to said company the expense of erecting the same: *Provided however*, That if the said bridge shall not be erected and made passable within one year from the first election of directors, or if the said bridge shall be, and remain out of repair for the space of three months, at any one time, so as to endanger the persons or property passing, their charter, and each and every power, privilege hereby conferred, shall cease, and be forever utterly void.

SEC. 10. *Be it further enacted*, That nothing herein contained shall be so construed as to give the said company any power to shut up the state road across said creek, or in any way to obstruct the same.

SEC. 11. *Be it further enacted*, That if the whole number of the shares of said company shall not be subscribed for, and taken up, on or before the first day of August next, it

shall be the duty of said commissioners to return to the persons who may have subscribed, or their legal representatives, all the monies received by said commissioners of such persons respectively, and in that case this act shall then cease, and be of no further force or effect. *Provided however*, That the members composing said bridge company, shall collectively, and individually be liable in their joint stock, and private property, for all contracts, legally made, and entered into, by authority of the said corporation, or their authorized agent.

SEC. 12. *Be it further enacted*, That this act shall be in force from and after its passage.

## CHAPTER XXIX.

An Act to Incorporate the several Townships in the county of Dearborn.

[APPROVED—FEBRUARY 7, 1825.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That each, and every township, that now is, or hereafter may be organized in the county of Dearborn, is hereby declared to be a body politic, and corporate, and by the name of their incorporation may sue, and be sued, plead, and be impleaded, in any court of record, having competent jurisdiction.

SEC. 2. That the qualified voters of each of the townships in said county are hereby authorized, and directed, to meet in their respective townships on the first Monday in April next, at the usual place of holding elections, and annually on the first Monday of March thereafter, and elect by ballot, a clerk, treasurer, three trustees, and one or more constables, not exceeding three, who shall severally hold their offices for one year, and until their successors shall be chosen and qualified agreeable to the provisions of this act, and the electors aforesaid shall, at their next annual meeting after the first election, in any township as aforesaid, elect by nomination, or in such other manner as the electors, or a majority of them may direct, one lister, three overseers of the poor, two fence viewers, and one overseer of highways, for each highway district in the township, who shall severally hold their offices for one year, and until their successors are chosen, and qualified; and every person elected, or appointed agreeable to the requisitions of this act, before they enter upon the duties herein enjoined upon them, shall severally take an oath or affirmation, to be administered by any justice of the peace for the proper coun-

this charter to be null.

Stockholders, liable, &c.

Townships in Dearborn, declared bodies corporate.

Township officers, when & where elected in the first instance.

Their term of service.

Township officers, how annually elected.

Officers to be sworn.



ty, truly, faithfully, and impartially to perform the duties of their said office, as by law required.

Trustees to divide townships into highway districts. Appoint overseers.

And other officers.

Further duties.

SEC. 3. That the trustees shall, so soon as may be, after the first election in their respective townships, divide the townships into as many highway districts, as they may deem necessary; and appoint some suitable person as overseer thereof; which districts shall be designated, and numbered in numerical order, and recorded by the clerk of the township. The trustees shall appoint all township officers not named in this act, the appointment of which has heretofore been vested in the board of justices; they shall superintend, take charge of, and contract all the pecuniary concerns of the township, and assess, and direct the collection of such township taxes, as may be necessary to defray the expenses thereof; to designate one of the constables elected or appointed as aforesaid, as township collector, and direct the manner in which the duplicate shall be made, and the amount thereof; and the trustees be, and they are hereby constituted commissioners of all roads and highways in their respective townships; to survey, lay out, open new roads, and change and alter old ones, except such roads as may lead from one county seat to another, or established by legislative authority. The clerk shall be the inspector, and the trustees the judges of all elections held within the township, whether for township, county or state purposes, and be governed in all things by the laws regulating elections respectively.

First election under this act, how conducted.

SEC. 4. That at the first township elections by virtue of this act, the justices of the peace, if present, shall be the judges of the election, and appoint their clerks; and in case the justices of the township shall not be present, the electors shall immediately elect three suitable persons as judges of the election, who in like manner may appoint their clerks, and be sworn, and proceed in the same manner as provided by the laws regulating elections.

Trustees to fill vacancies and call meetings of electors.

SEC. 5. That whenever a vacancy shall occur in any of the aforesaid offices, the trustees shall fill such vacancy; and the trustees may at any time notify a meeting of the electors, on application of six freeholders of the township, which notice shall be posted up in four of the most public places in the township, at least ten days prior to such meeting, and particularly specifying the object of the meeting; and no business shall be transacted at such meeting, except such as may be set forth in the notice as aforesaid.

Constables to give bond.

SEC. 6. The constables elected as aforesaid, shall, before they enter upon the duties of their office, severally give bond and security, to be approved of by the trustees in the sum of one thousand dollars, conditioned that they shall faithfully and impartially perform the duties required by law, which bond shall be made payable to the supervisor of

the township, as hereinafter provided, and to his successors in office. The treasurer shall receive all moneys belonging to the township, and pay the same out to the order of the trustees signed by the clerk, and not otherwise. The clerk shall keep a fair record of all the acts and proceedings of the trustees, and each of the township meetings, and the constable and collector shall have all the powers, and be governed by the same laws as now exist, relating to constables and collectors of taxes. The listers shall take the lists of their respective townships at the same time, and in the same manner as the listers for county and state purposes; and the trustees in assessing township taxes, shall be governed by the same regulations as the board of county justices now are in assessing county revenue. The duplicate to be made by the clerk, and delivered to the collector as the trustees may direct.

Duty of the treasurer.

Of the clerk.

Of the constable and collector.

Of the listers.

Township taxes, how assessed.

SEC. 7. That in all cases where a prosecution shall be commenced against a township in the county aforesaid, a certified copy thereof shall be left by the officer serving the same with the township clerk, at least twenty days before the return day of such process; and the trustees shall have power to appoint an agent or attorney, to prosecute or defend any suit, in which the township may be a party, or interested.

Suits against township how conducted.

SEC. 8. That all officers elected or appointed agreeable to the provisions of this act, shall in all respects be governed by the laws now in force regulating township and county officers, unless herein specially provided, and directed; and all township meetings held agreeable to the provisions of this act, shall be opened at nine o'clock A. M., and closed as early as six o'clock P. M.; and the consent of two of the trustees, shall be sufficient to give validity to their acts.

Laws by which township officers shall be governed.

Township meetings, when opened and closed. Supervisors, how chosen.

SEC. 9. *Be it further enacted,* That at each annual meeting as aforesaid, the electors shall elect by ballot, one of the justices of the peace of the township, a supervisor thereof; and the supervisor so elected, in the several townships, in the county aforesaid, shall meet annually, on the first Mondays in May and November, at the court house in said county, and have, possess and exercise all the powers and duties which are now given, and required by law to the board of county justices; and all laws governing, and in anywise relating to the board of county justices, as now organized, shall be taken, and deemed to govern and regulate the supervisors elected as aforesaid, except as may be otherwise in this act directed, and such as are herein transferred to the several townships, and township officers; and the supervisors aforesaid, shall deposit with the clerk of the circuit court for the said county, the bonds given by the constables of their respective townships as aforesaid, for the benefit of all persons concerned.

When and where to meet

Their powers and duties.

Constables' bonds deposited with clerk.

SEC. 10. All suits, pleas, complaints, prosecutions and pro-



Saving as to  
suits, con-  
tracts, &c.

Supervisors,  
their compen-  
sation.

Saving as to  
listing and as-  
sessing state  
and county  
revenue.

Repeal.

ceedings, which may be pending in the said county of Dearborn, for or against the present board of county justices, previous to taking effect of this act, shall be prosecuted to final judgment and execution, in the same name and manner as if this act had not passed; and all contracts made by said board of county justices, shall remain valid in fact, law and equity.

SEC. 11. The supervisors aforesaid, shall receive for their services, the same compensation as by law is now allowed to the board of county justices; and the several township officers shall receive such compensation as the electors of their respective townships may allow.

SEC. 12. *And be it further enacted*, That this act shall not be so construed, as to affect in any manner, the mode of listing, assessing or collecting the county or state revenue; and all laws and parts of laws now in force, and coming within the purview of this act, so far as they may be applicable to the county of Dearborn, shall be, and the same are hereby repealed.

This act to take effect, and be in force from and after the fourth Monday in March next.

### CHAPTER XXX.

An Act to amend an act entitled "An act for the Incorporation of County Libraries," approved, January 23, 1824.

[APPROVED—FEBRUARY 7, 1825.]

Upon notice  
given, citizens  
may assemble

Trustees, how  
elected, and  
for how long.

Re-elected  
triennially.

To receive  
certificate of

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That whenever the citizens of any county shall be desirous of incorporating a county library, it shall be lawful for the qualified voters of such county, twenty days previous notice having been given, by putting up at least one manuscript advertisement in each township of such county, one of which shall be at the place where courts are usually holden, to assemble themselves at the court house, or place where courts are usually holden, and when so assembled, and having chosen a chairman and secretary shall proceed to elect seven trustees for the county library of such county, to serve for the term of ~~three~~ *one* year, from and after the first Monday of September next ensuing their election, and until their successors shall be elected, and qualified, and all elections for trustees shall be ~~annually~~ *annually*, on the first Monday of September, as their terms of office may respectively expire.

SEC. 2. The trustees elected in manner aforesaid, and their successors in office shall each receive from the chair-

man of said election a certificate certifying that they were their election. duly elected, attested by the secretary of said election; and shall before entering upon the duties of their office, each take an oath, or affirmation, before some person au- Shall be sworn thorized to administer the same for the faithful performance of the duties of their office; and it shall be the duty of the person administering the same to endorse a copy thereof on Oath to be en- the back of said certificate. dorsed.

SEC. 3. The trustees, chosen in manner aforesaid, shall appoint one of their number to be president at their meet- Trustees to elect a pres't. ings, and the president, and trustees appointed as aforesaid are hereby created, and declared a corporation, and body Trustees a bo- politic, with perpetual succession by the name, and style of dy corporate. the president, and trustees of the county library, and shall in their corporate capacity be able and capable Their powers as such. in law to sue, and be sued, plead, and be impleaded, answer, and be answered unto, defend, and be defended, in any court of justice, and to make, and use a common seal, and the same to change, and alter at pleasure and when vacancies shall happen by the death, resignation, or removal from office of the president, or any of the trustees as aforesaid, the remaining trustees shall appoint another person, or persons to fill such vacancy or vacancies.

SEC. 4. ~~And it shall be the duty of the president, and trustees, chosen as aforesaid, at least three weeks before their term of service shall expire, to give notice, that there will be an election held for the purpose of electing seven trustees for the county library, which election shall be held, and conducted in all respects, agreeably to the provisions of this act. The first, second, and third sections, to which this is an amendment, be, and the same are hereby repealed; Provided however, That nothing in this act shall be so construed, as to effect the validity of any election of president, and trustees, which may have taken place under the provisions of the act to which this is an amendment.~~ *Part of which act is repealed* *or* *To give notice of subsequent elections.*

This act to take effect and be in force from and after its passage.

### CHAPTER XXXI.

An Act to establish a State Library.

[APPROVED—FEBRUARY 11, 1825.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the books now in the office of the secretary State library of state, together with such as may be added to the collec- established.



For whose use tion in pursuance of this act, or any other law, or by donation, exchange or otherwise, shall constitute a state library, for the use of the members of the legislature, the secretaries and clerks of each House thereof, the officers of the several branches of the executive department of the state government, the judge of the United States district court, the United States district attorney, the judges of the supreme court of this state, and the judges of the circuit courts when they or any of them may be at the seat of government.

Board of commissioners constituted.

How appropriations to be expended.

To whom books may be delivered, and for how long. Penalties for not returning books.

How penalties shall be recovered.

Sec'y of state to be librarian and a competent witness. Entries of librarian evidence.

Duties of librarian.

SEC. 2. That the governor, secretary of state, auditor of public accounts and treasurer of state, shall constitute a board of commissioners, under whose direction the moneys by this or any subsequent act appropriated, shall be expended in making additions to the said collection of books, by the binding of pamphlets which now are in the secretary's office, or which may hereafter come to hand, or by purchase, or by both means, in the discretion of a majority of them.

SEC. 3. The books in said library shall be delivered to the persons designated by law, for a term not exceeding ten days; and any person or persons not returning any book or books, within the said term of ten days, shall forfeit and pay for the use of said library, the sum of twenty-five cents for every day he may detain such book; and if such person fail to return such book or books, within three months after the expiration of the said term of ten days, he shall, in lieu of the forfeiture aforesaid, pay for the use aforesaid, double the value of the book or books not returned: And if such book or books belong to a set composed of more volumes than that or those delivered to such defaulting person, then the person so failing to return as last aforesaid, shall forfeit and pay double the value of such set of volumes; all which sums, penalties and forfeitures, shall be recoverable by action of debt, brought before any justice of the peace or court, having jurisdiction of the premises, in the name of the state of Indiana, for the use of the state library; and the person acting as secretary of state shall be librarian, and he shall be a competent witness on the trial of such case, and his entries, to be made as hereinafter named, shall be full and complete evidence of the delivery of the book or books, and of the date thereof.

SEC. 4. No person shall receive, or have in possession at one, and the same time, more than the complete set of the volumes of any work.

SEC. 5. The secretary of state shall discharge the duties of librarian, by keeping a catalogue of the books belonging to the library, in a book for that purpose, delivering them to, and receiving them from the persons entitled to use them, by keeping a book in which he shall note down

the date of delivery, and return of books, by keeping an account current with the board of commissioners aforesaid, and the state, acting as the agent of the board aforesaid in all matters upon their written order, or that of a majority of them, to be filed in his office; reporting annually the disposition of the funds appropriated, and the additions to the library, and whether made by binding as aforesaid, purchase, donation, exchange, or otherwise, and by collecting the forfeitures, accruing as aforesaid, by suit or otherwise; for which he shall receive a compensation of fifteen dollars per annum, payable quarterly out of the state treasury, on the warrant of the auditor, which sum is hereby appropriated.

Compensation.

Appropriation therefor.

Appropriation to library.

Further appropriation.

SEC. 6. The sum of fifty dollars be, and the same is hereby appropriated to be expended in the binding of pamphlets, in the secretary's office, and in the purchase of books, as additions to the library aforesaid; and the sum of thirty dollars on the first day of January next, and annually thereafter for the uses, and purposes last aforesaid, to be audited, and paid as other claims against the state in the name of, and to the said board of commissioners.

SEC. 7. Expenses for transportation of books, stationary, and other expenses incident to the establishment of the said state library, except such as are above provided for, shall be paid out of the contingent fund: *Provided*, That the same does not amount to more than the sum of twenty dollars in any one year.

Incidental expenses to be paid out of contingent fund.

Restriction as to amount.

This act shall take effect and be in force from and after the fifteenth day of February instant.

## CHAPTER XXXII.

An Act authorizing Justices of the Peace to issue writs of Ne Exeat.

[APPROVED—FEBRUARY 12, 1825.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That whenever hereafter any person, or persons is, or are about to remove out of this state, without leaving sufficient property for the payment of his, her, or their debts, which debts shall not be due at the time, or who have made him, her or themselves liable by contract, the time of performance of which contract has not arrived; it shall, and may be lawful for such creditor, or the person or persons who are to be benefited by said contract, and lawfully entitled to coerce the performance of the same, to appear before any justice of the peace of the proper county, and make oath to the circumstances in the following form, to

Prerequisites to the issuing of a writ of ne exeat by a justice.

Complainant to make oath.



writ: I, A. B. do solemnly swear, or affirm, that X. Y. is justly indebted to me in the sum of \_\_\_\_\_ by debt, or contract; which debt is not yet due, or the time for the performance of which contract is not yet arrived, and that I verily believe the said X. Y. is about to remove from this state without leaving sufficient property, for the payment of his just debts, or without providing for the performance of his, her, or their contract.

To whom the writ is to be directed.

SEC. 2. On the making, and subscribing the affidavit above named, and depositing the same with the justice, it shall be lawful for him to issue a writ of ne exeat directed to any officer authorized to serve process, commanding the person, or persons so about to leave the state to appear forthwith before the justice issuing said writ, and shew cause why he should not give special bail for the payment of his said debt, or the performance of his said contract.

Complainant to file bond with security. Conditions of such bond.

SEC. 3. No writ of ne exeat shall issue in any case, until the complainant, applying for such writ shall have filed his bond with security to be approved by the justice issuing said writ for the costs that may accrue in each suit, and the damages, the defendant, or defendants may be entitled to, in case said complainant may have procured the issuing of such writ without cause.

Persons aggrieved, may bring suit on bond.

SEC. 4. Any person conceiving himself, or herself, aggrieved, or damnified by the issuing of any writ of ne exeat shall be allowed to bring suit on such bond; and if, on trial it shall appear that such trial was prayed for without just cause, he, she, or they shall be entitled to such damages as a jury may assess.

Defendants refusing to give bail, to be committed.

SEC. 5. Whenever the defendant, or defendants in any writ of ne exeat shall, on being brought before the justice, before whom the same is made returnable, refuse, or be unable to give special bail to the satisfaction of such justice, such justice shall order the person, or persons so failing, or refusing to be committed to the jail of the county; and the person, or persons so committed shall at any time after such commitment, on giving notice to the jailor that he, she, or they are ready to give bail according to the provisions of this act, and actually giving bail which shall be approved by two justices of the peace, to be summoned for that purpose by said jailor as soon as practicable, and paying the costs of commitment, be discharged from the custody of the jailor.

How discharged.

Either party may appeal to circuit court.

SEC. 6. If on the trial of the above writ, before any justice of the peace either party shall conceive him, her, or themselves aggrieved, it shall be lawful for him, her, or them to take an appeal to the circuit court of the proper county, subject to the law regulating appeals from justices of the peace, the proceedings of the circuit court before which an appeal shall be returned shall be the same as if an

original writ had issued from that court, but no execution shall issue on any judgment rendered thereon until the expiration of the time stated in the original contract for the payment, or performance thereof.

SEC. 7. No person giving special bail according to the requisitions of this act shall be liable for any costs, that may have accrued by proceedings had on this writ: Provided such person, or his bail shall pay such debts, or perform such contract by the time specified in the original contract.

Defendants giving bail, not liable for costs. Proviso.

SEC. 8. All persons who shall become security for the defendant, or defendants, in this writ, shall be permitted, at any time to secure the principal, or principals in such bond in the same manner as in other cases, and every person bound as security for the payment of money or property, or for the fulfilment of any contract, not complied with, shall have the same remedy, as is provided for creditors in the first section of this act.

Bail may secure his principal as in other cases. Securities in any case entitled to this remedy.

## CHAPTER XXXIII.

An Act authorizing the appointment of Pilots at the falls of the River Ohio, in this state.

[APPROVED—FEBRUARY 7, 1825.]

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That from and after the passage of this act, the governor of this state shall be authorized to appoint and commission skilful and experienced persons, not exceeding four in number, to act as pilots at the Falls of the Ohio river in this state.

Governor to appoint pilots at the Falls of Ohio.

SEC. 2. Before any person, appointed and commissioned by virtue of this act, shall be authorized to act as a pilot, in conducting boats over the falls aforesaid, he shall execute a bond, payable to the state of Indiana, with security, to be approved by the clerk of the Clark county circuit court, in the penal sum of five thousand dollars, conditioned for the faithful performance of the duties of pilot as aforesaid; which bond shall be by such clerk filed in his office for the use of any person or persons who may conceive himself, herself or themselves injured by the unfaithfulness or neglect of any such pilot; and such person, upon suggesting any injury received in violation of the conditions of said bond, may in the name of the state, sue thereon; and said bond shall not be void on the first recovery, but shall stand and remain as security for any future defalcation, upon which a scire facias may be issued as upon other judgments similarly situated.

Pilots to give bond.

Remedy by suits thereon.

SEC. 3. Each pilot so appointed and commissioned, shall

Fees of pilots.



be entitled to demand and receive for each flat bottomed boat that he conducts over the falls, the sum of three dollars: *Provided*, That for family boats, and others not exceeding thirty feet in length, the pilots aforesaid shall not be entitled to demand and receive over two dollars for conducting the same over the falls.

Penalty for extortion.

SEC. 4. Every pilot that shall exact and receive for conducting a boat over the falls, a greater sum than he is entitled to by this act, shall be deemed guilty of extortion, and liable on conviction, to all the penalties thereof.

Penalty for neglect of duty.

SEC. 5. Every pilot, who shall refuse without good cause, on tender being made to him of his lawful fees, to conduct any boat over the falls, shall forfeit and pay a fine of ten dollars, one half to the informer, the other for the benefit of the Clark county seminary.

Penalty for acting as a pilot without authority.

SEC. 6. If any person shall act as pilot without being duly authorized and qualified, as by this act provided, he shall for each offence, forfeit and pay a fine of twenty dollars, to be recovered before any justice of the peace where such offender may be prosecuted, one half of which shall go to the pilot informing of the offence for which the delinquent may be convicted, and the other half to the seminary of the county where he is convicted; and the getting on board of any boat at or near the head of the falls, and taking the direction of the same under the pretence of being a hand, a passenger, or other pretence whatever, shall be deemed *prima facie* evidence of the violation of this act, and it shall lie on such person to prove that he did not act as pilot to such boat, unless an authorized pilot be on board the same.

Attempt to evade penalty provided for.

SEC. 7. Nothing in this act shall be so construed as to compel any owner, shipper or navigator of a boat descending the Ohio river, to employ or pay any pilot whatever; but all persons shall be considered at perfect liberty to navigate the falls at their own risk.

Persons may navigate without pilot.

This act shall take effect and be in force from and after its publication.

#### CHAPTER XXXIV.

An Act authorizing the printing and distributing the Acts, Joint Resolutions, and Journals of the present General Assembly.

[APPROVED—FEBRUARY 10, 1825.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That his excellency, the governor of the state of Indiana be, and he is hereby authorized to cause the secretary of state to make an index and marginal notes to the acts

Index & mar.

and joint resolutions passed at the present General Assembly, as soon as possible, and as early as convenient furnish the state printer with true copies of the said acts and joint resolutions, together with the said index and marginal notes; and the said state printer shall thereupon proceed without delay, to print agreeably to his contract on that subject, twenty-five hundred copies of the said acts, joint resolutions, marginal notes and index; and when so printed, they shall be put up in pamphlet form, and stitched.

ginal notes to be made. Copies of acts &c. to be furnished to state printer.

Twenty-five hundred copies to be printed.

SEC. 2. In printing the acts and joint resolutions aforesaid, the name of the governor, president of the Senate and speaker of the House of Representatives shall not be printed, but immediately after the title of the act or joint resolution, the time of approval shall be printed.

Name of Gov. &c. not to be printed.

SEC. 3. So soon as the said printing shall be completed, and the copies delivered to the secretary of state, the secretary of state shall give to said printer, a certificate containing a detailed account of all the printing done for the state, not paid for, and the total amount due to the printer therefor; which said certificate, under the hand and seal of the said secretary, shall be a sufficient voucher for the auditor of public accounts to audit the same, and give the said printer an audited warrant therefor; and the treasurer of state shall pay said warrant on demand, out of any money in the treasury not otherwise appropriated.

Sec'y to give printer a certificate of printing done, and amount due therefor. Auditor to audit. And treasurer to pay accordingly.

SEC. 4. The copies of the acts and joint resolutions, when printed and stitched together as aforesaid, shall be distributed as follows, to wit: The governor, lieutenant-governor, secretary, auditor and treasurer, each one volume; the United States judge for the district of Indiana, and the judges of the supreme and circuit courts, each one volume; the attorney general and the circuit prosecuting attorneys, each one volume; the territory and states of the United States, each one volume; the members of the Senate and House of Representatives, each one volume; the secretary, assistant secretary, and enrolling secretary of the Senate, each one volume; the clerk, assistant and enrolling clerk of the House of Representatives, each one volume; the door-keeper of the Senate and House of Representatives, each one volume: And the secretary of state shall deliver and forward the same to the aforesaid persons by mail or otherwise, noting the same in a book kept for that purpose.

Acts, &c. to whom distributed.

Secretary to transmit copies to persons entitled thereto.

SEC. 5. The other copies or volumes not distributed and disposed of as is provided by the last aforesaid section, shall be distributed as follows, to wit: To the counties of Harrison, Clark, Jefferson, Dearborn, Franklin, Wayne, Washington, Orange and Knox, fifty volumes each; to the counties of Fayette, Union, Switzerland, Jackson, Lawrence, Monroe, Sullivan, Vigo, Gibson and Posey, each forty-five

In what proportion distributed to counties.



volumes; and to the counties of Randolph, Ripley, Jennings, Scott, Floyd, Bartholomew, Crawford, Dubois, Martin, Parke, Owen, Greene, Pike, Daviess, Vanderburgh, Warrick, Spencer, Perry, Morgan, Marion, Shelby, Putnam, Henry, Rush, Decatur, Montgomery, Madison, Hamilton, Hendricks, Johnson, Vermillion, Allen and all the new counties which may be made at this session, each thirty five volumes; and the said volumes, so to be delivered to each of the aforesaid counties, shall be delivered to the clerks of the several counties, except in cases where there may be no clerk; in that case the same shall be delivered to the sheriff of such county; and the said volumes when so delivered to such clerks or sheriffs, shall be distributed by such clerks, or sheriffs as follows to wit: To the associate judge, justice of the peace, clerk of the court, recorder of the county, sheriff, and coroner, each one volume thereof.

When copies  
to be delivered  
to clerk.  
When to sh'ff.

To whom distributed by  
clerk or sheriff

Journals to  
whom distributed.

How to the  
members G. A.

Sec'y to preserve the residue.

Sec'y, aud'r & treas. to contract for distribution.

To take bond & security of the undertaker.

Sec'y to certify amount due undertaker.

Aud. to audit. Treasurer to pay the same.

SEC. 6. The copies of the journals of each house shall be distributed in equal proportion among the members of the respective Houses; that is; to the members of each house its own journals; which said journals shall be delivered to the said clerks, and sheriffs of the several counties, in the same way, time, place, and manner that the aforesaid volumes of the acts, and joint resolutions, are to be delivered, and when so delivered to such sheriffs, and clerks, the said clerks, or sheriffs shall deliver the same to the members, to whom they are intended; and the secretary of state shall carefully preserve, and file away in his office of secretary of state, all the volumes of the acts and joint resolutions together with ten copies of the journals of each house not disposed of otherwise by this act.

SEC. 7. The secretary, auditor, and treasurer of state or a majority of them are hereby required to immediately contract with some suitable person, or persons, to convey, and deliver the several volumes of the aforesaid acts, and joint resolutions, and journals to the several persons, counties, and places, pointed out by this act, taking bond, and security of the undertakers for the faithful performance of the contract; and so soon as such undertakers shall produce to the secretary of state the receipt of the several clerks, or sheriffs, authorized to receive the laws, and journals aforesaid, setting forth that the proper number of volumes of laws, and journals have been delivered in good order, the said secretary shall then certify under his hand and seal that such undertakers have performed their contract, and the amount that is due to such undertakers for the same: which certificate of said secretary shall be a sufficient voucher for the auditor of public accounts to give such undertaker an audited warrant therefor; and the treasurer of state is hereby authorized to pay such warrant out of any money in the treasury, not otherwise appropriated.

SEC. 8. The secretary of state shall cause all the acts, now in force, in the state, relative to the working on roads, and highways, including the duties of supervisors, to be printed in pamphlet form, and the same number of said pamphlets to be distributed to the different counties, which by this act they are entitled to receive of the acts of this session. The secretary of state shall also cause all the acts, now in force, regulating the duties of overseers of the poor to be published in the same manner and an equal number of said pamphlets to be similarly distributed. The clerks of the various circuit courts in this state, shall furnish each supervisor of roads, and overseer of the poor in their respective counties, when called on for that purpose, with one copy respectively, of the pamphlet respecting his appropriate duties.

Sec'y shall cause road laws to be printed and distributed.

Also the laws relative to overseers of the poor.

Clerks shall distribute to supervisors & overseers.

SEC. 9. It shall be the duty of the secretary of state to superintend the printing of the acts, and joint resolutions of the General Assembly, and to correct the same by the enrolled bills in his office; and when the printing of the same shall be finished, to certify the fact of his having compared, and found the same correct, which certificate shall be signed and dated by the secretary, and annexed in print to the volume of acts, and joint resolutions.

Secretary to superintend printing. Shall certify printed copies. His certificate to be annexed to volume.

SEC. 10. It is hereby rendered the duty of the clerks of the circuit courts of each county to make a record of the day, and date of the reception of the acts, and joint resolutions, as above authorized in his office, and such record shall be deemed, and taken, as the time of the publication of the said laws within said county.

Clerks shall record reception of laws.

When laws to be deemed as published.

This act shall take effect and be in force from and after its passage.

## CHAPTER XXXV.

An Act, to amend the act entitled "An act providing for the settlement of Decedents' Estates."

[APPROVED—FEBRUARY 11, 1825.]

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That the associate judges of the circuit courts shall be a court of probate, and shall have power to hear, and determine all matters in relation to the settlement of decedents' estates, which is by the act to which this is an amendment given to the circuit courts; except where the title of real estate may be brought in question; and for the purpose of settling such probate business shall meet at the seat of jus-

Associate judges shall constitute a court of probate.



tice, on the Mondays preceding the regular terms of the circuit courts.

Deceased having owned lands in more counties than one, proceedings may be had in either county.

SEC. 2. That when it may have happened, or shall hereafter happen that any person, or persons may have died, or shall hereafter die testate, or intestate, being the owner, or owners of lands, lots, or other property in more than one county, in this state; and where it shall become necessary for the administrator, or executor to dispose of the whole, or any part thereof for the payment of debts, or otherwise; it shall only be necessary for the said administrator, or executor to take out letters testamentary, or of administration in one of said counties in which such property, or any part thereof may be; and the court where the letters testamentary, or of administration shall have been granted shall have full power, and authority to order the sale, or sales of all, or any of such property, as fully, amply, and absolutely, as if such lands, lots, or other property lay in the county where such letters testamentary, or of administration were granted; subject to like rules and regulations as now are or hereafter may be established by law. *Provided however,* That notices of all such sale, or sales, shall be given in the county, or counties where such lands, lots, or other property may be situate; in like manner as is now required by law.

Proviso as to notice of sale.

Proceedings of associate judges, subject to review of C. C.

SEC. 3. The acts, and proceedings of the said associate judges, whilst acting as a court of probate, as provided by the first section of this act, shall be subject to the review, and correction of the circuit court.

## CHAPTER XXXVI.

An Act for the relief of the securities of the late Sheriff of Floyd county.

[APPROVED—FEBRUARY 7, 1825.]

Preamble.

WHEREAS, it appears that Seth Woodruff, Mason C. Fitch, and Henry Turner, the securities of James Besse, late sheriff of Floyd county, are in doubtful circumstances, and that there is some reason to apprehend a loss of part of the revenue, due for the year 1822, and 1823, from said Besse, to the state; and for which his said sureties are bound, and the said Woodruff, Fitch, and Turner proposing to secure the debt aforesaid, and for which a judgment is rendered against them in the Floyd circuit court, upon certain conditions in their petition set forth: Therefore,

SEC. 1 *Be it enacted by the General Assembly of the state of Indiana,* That the attorney who obtained the judgment

aforesaid for the debt aforesaid, be, and he is hereby authorized, and directed, to take a penal bond for the amount of the demand aforesaid, with interest and costs, deducting therefrom so much as the ten per centum damages, included in said judgment, exceeds the simple interest, at six per centum, on the amount of said Besse's defalcation; to be estimated from the day, of the date, on which the revenue of the county of Floyd, for the years aforesaid, ought to have been paid to the state treasurer, payable to the state of Indiana, in four equal annual instalments; to commence from the date of said bonds, with interest thereon, at the rate of six per centum per annum, with good security, either real or personal, from said Woodruff, Fitch and Turner, jointly: and provided the debt aforesaid can be secured in that mode, said attorney is authorized to take bond, with security as aforesaid, and on the execution of the said bond and securities aforesaid, the said attorney is hereby directed to deliver the same to the auditor of public accounts, to be by him kept, and when due, if not paid to the treasurer of state, the said auditor is directed to put the same in suit for collection.

Bond for revenue of Floyd in arrears may be taken.

payable to the state in instalments, with interest and security.

Bond to be delivered to and kept by aud'r. When to be put in suit.

SEC. 2. That said Woodruff, Fitch, and Turner, are not to derive any benefit, from this act, unless, they cease to litigate the judgment aforesaid; and unless the adjustment hereby contemplated, be made within one hundred and twenty days after the taking effect of this act.

Benefit of this act conditional, and how.

SEC. 3. That said Woodruff, Fitch, and Turner, by themselves, or authorized agent, are hereby authorized to collect any, and all taxes assessed on the county of Floyd, for the years 1822, and 1823, which have not been paid nor been returned as delinquents by the said collector; with such powers as said collector possessed: *Provided,* That in all cases demand shall be first made of the person remaining on said collectors books; and if such person shall allege that he has paid the tax charged against him, and shall not be able to produce a receipt therefor, he shall be allowed to prove the fact of payment by his statement under oath; and the said Woodruff, Fitch, and Turner, or their agent may examine such person, touching his statement; which oath shall be administered by a justice of the peace.

Arrearages of revenue in Floyd may be collected, by whom, & how.

SEC. 4. That said Woodruff, Fitch, and Turner, shall not have the benefit of this act, until they shall first pay all costs which may have accrued, and paid the attorney, prosecuting said claim, all the lawful fees he may lawfully demand of them, or of the state, so as absolutely to clear the state from the payment of any costs or fees whatsoever.

Benefits of this act further conditional.

This act to take effect and be in force from and after its passage.



## CHAPTER XXXVII.

An Act for the Relief of certain persons therein named.

[APPROVED—FEBRUARY 7, 1825.]

WHEREAS, by an act of the General Assembly of this state, approved, December 21, 1822, James Butler of Fayette county, John Odle of Randolph county, Noah Noble of Franklin county, Richard Tyner, of Shelby county, and John Winchell of Jennings county, were appointed commissioners to relocate the seat of justice in and for the county of Union; which relocation was accordingly made, and permanently fixed on the public square in the town of Liberty near the centre of said county, but in consequence of the public property having been previously sold, the said commissioners could not secure their lawful fees: For remedy whereof,

Preamble.

Compensation to be allowed.

How paid.

*Be it enacted by the General Assembly of the State of Indiana,* That the board of justices in and for said county of Union are hereby authorized and empowered to liquidate, and pay unto the said commissioners, or either of them such sum, or sums as may be an equivalent for their several services herein before mentioned; which sum, or sums shall be ordered and paid out of any money in the county treasury of said county not otherwise appropriated.

## CHAPTER XXXVIII.

An Act allowing further compensation for building a bridge over the river Muscatituck.

[APPROVED—JANUARY 28, 1825.]

WHEREAS, William Rodman the contractor for building a bridge over the river Muscatituck, for the purpose of making said bridge substantial, was under the necessity of extending its length from one hundred and sixty feet to one hundred and ninety, and of erecting a pillar and frame work, and furnishing the necessary materials for the same, in addition to the requisitions of his original contract, for which he is justly entitled to compensation: Therefore,

Preamble.

Compensation to William Rodman.

*Be it enacted by the General Assembly of the state of Indiana,* That the commissioners appointed, to open and lay off a road from Mauk's ferry to Indianapolis, shall allow the said Rodman such further sum for the erection of said bridge as they shall deem just and reasonable for said extra work, not exceeding three hundred and nineteen dol-

lars, to be paid by the agent of the three per cent. fund, upon the order of said commissioners, out of any monies appropriated to the Mauk's ferry road: *Provided,* That the said sum of money so allowed, shall not be paid out of any monies or funds, which of right, or by law, should be expended on that section of the Mauk's ferry road which is situated between the town of Franklin in Johnson county, and the town of Indianapolis.

This act to be in force from and after its passage.

## CHAPTER XXXIX.

An Act for the relief of the securities of William H. Moore, late collector for the county of Clark.

[APPROVED—FEBRUARY 10, 1825.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That James C. Caldwell, John Carr, Benjamin Ferguson, Francis Ratliff, John H. Thompson, and Isaac Hawk, the securities of William H. Moore, for the payment of the state and county revenue, for said county, for the year 1823, have twelve months from the passage of this act for the payment of the said balance stated to be due the treasurer of state, and also twelve months from the passage of this act for the payment of the balance which may be due the treasury of said county.

Time of payment extended 12 months.

SEC. 2. That James C. Caldwell, or any other person whom the said securities may appoint, is hereby authorized, and empowered to collect any taxes that may be due on the books of said collector, for the years 1822 and 1823, by distress and sale of personal or real estate, subject to the provisions and restrictions of the laws now in force in this state, relative to the collection of the revenue, and the same when collected, shall be applied to the payment of the balances above mentioned, due to the said treasurer of state, and county: *Provided,* Nothing herein contained, shall be construed in anywise to release, or discharge either the principal, or securities from their responsibility to the state, or county, for the amount with which they stand charged, together with all legal interest, that has accrued, or that may hereafter accrue on the amount aforesaid.

Power given to collect arrearages.

How collected arrearages shall be applied. Proviso.

This act to take effect, and be in force from and after its passage



## CHAPTER XL.

An Act allowing a compensation to Richard Palmer, one of the commissioners appointed to locate the seat of justice of Parke county.

[APPROVED—FEBRUARY 12, 1825.]

*Be it enacted by the General Assembly of the state of Indiana,* That Richard Palmer, one of the commissioners appointed by "an act for the formation of a new county north of Vigo county"—approved, January ninth, eighteen hundred and twenty-one, to locate the county seat of Parke county, be, and he is hereby allowed the sum of twenty-two dollars, as a compensation for his services; and the board of justices of the said county of Parke are hereby authorized and required to order the payment of the said sum out of any moneys in the treasury of said county not otherwise appropriated.

This act to take effect from and after its passage.

Compensation to R. Palmer.

## CHAPTER XLI.

An Act for the relief of John Smock.

[APPROVED—FEBRUARY 11, 1825.]

*Be it enacted by the General Assembly of the state of Indiana,* That the commissioners heretofore appointed on the Mauk's ferry state road, be, and they are hereby authorized to pay to John Smock, out of any monies appropriated on so much of said Mauk's ferry road, as lies between the one hundred and eleven mile stake, and Indianapolis, the sum of seventy two dollars.

This act to be in force from and after its passage.

Commissioners on state road to pay John Smock \$72.

## CHAPTER XLII.

An Act for the benefit of Charles Crabb.

[APPROVED—FEBRUARY 11, 1825.]

*SEC. 1. Be it enacted by the General Assembly of the State of Indiana,* That the commissioners appointed to locate a state road from Mauk's ferry, to Indianapolis, be and they are hereby authorized to pay to Charles Crabb, such sum as to them shall appear just and reasonable, as a compensation for his services, in cutting and clearing a portion of said state road, supposed to be three fourths of a mile, being between the fifty-five mile post and Brownstown, said frac-

Compensation to be made to C. Crabb.

tion having been created by changing said road, and its not being included in his original contract; and the commissioners aforesaid, are hereby authorized to draw on the agent of the three per cent. fund, for the same, to be paid out of any monies appropriated on said road.

On what grounds.

Out of what moneys.

*SEC. 2.* That the said commissioners, appointed on said road, be, and they are hereby authorized to pay to Jonathan Keller, such sum as may appear to them just and reasonable, as a compensation for his services, in cutting and clearing a portion of said Mauk's ferry state road, from mile post 14 to mile post 15, the same having been cut out and cleared by said Keller, and afterwards changed by order of the circuit court; and the said road commissioners are hereby authorized, to draw on the agent of the three per cent. fund for the same, to be paid out of any money appropriated on said road, within the county of Harrison.

Compensation to J. Keller to be made. The reason.

Out of what funds.

This act to take effect, and be in force from and after its passage.

## CHAPTER XLIII.

An Act for the relief of John D. Stephenson, clerk of the Hamilton circuit court, and for other purposes.

[APPROVED—FEBRUARY 12, 1825.]

*SEC. 1. Be it enacted by the General Assembly of the state of Indiana,* That it shall be lawful for John D. Stephenson, clerk of the circuit court of said county, to hold his office, and keep his books and papers at John Conner's, in said county, except in times of holding courts, until a suitable room shall be prepared in the town of Noblesville, the seat of justice for said county.

Where clerk's office may be kept. Exception.

*SEC. 2. Be it further enacted,* That the court doing county business, in and for the county of Dearborn, shall be, and are hereby authorized and empowered, to examine into, audit, and allow to the clerk of the Dearborn circuit court, a certain claim for office rent, by him paid; and if the said claim shall be deemed reasonable, and just by the said court, the same shall be allowed, and paid out of the county treasury, as other claims are paid.

This act to take effect, and be in force from and after its passage.



## CHAPTER XLIV.

An act, supplemental to an act, entitled "An act defining the duties of Recorders, and pointing out the mode of conveying real estate"—approved, January twenty first eighteen hundred and eighteen.

[APPROVED—FEBRUARY 12, 1825.]

Preamble.

WHEREAS, Much inconvenience has resulted from the difficulty of tracing a chain of conveyances, in the offices of the recorders of deeds in this state, in consequence of many recorders neglecting to keep any index at all, and others keeping a defective one: For remedy whereof,

Recorder to make an index at the close of each vol. of records

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That from and after the passage of this act, it shall be the duty of each and every recorder of deeds in this state, whenever he shall record, in his office, any deed, or instrument of writing containing any pledge, covenant, or assurance whatever, immediately after recording the same to cause a full, and complete index of the same to be annexed to the close of each volume of records in manner following, to wit: The name of each grantor, promisor, or covenantor shall be set down, in alphabetical order, referring to the particular grantee, promisee, or covenantee, and also the name of each grantee, promisee, or covenantee, shall be set down, in alphabetical order, referring to the proper grantor, promisor, or covenantor, so that any person hereafter, by knowing the name of one of the parties to any instrument, may without delay, be referred to the same on the record; and such index said recorder shall make, and keep without any fee, or reward whatever; and for failing so to do, said recorder shall be liable to the penalties provided in the tenth section of the act to which this is supplemental, for the violation of the duties therein enjoined.

Penalty for failure.

May appoint deputies.

SEC. 2. The same powers, which are now given by any law, or laws of this state to the clerks of the circuit courts, to appoint deputies, are hereby extended to recorders: provided that each and every recorder shall be responsible for the acts of his deputy.

This act to take effect, and be in force from and after its passage.

## CHAPTER XLV.

An Act to repeal the fifth section of an act, declaring certain streams therein named public highways.

[APPROVED—FEBRUARY 10, 1825.]

*Be it enacted by the General Assembly of the state of Indiana,* That the fifth section of an act, declaring certain streams

therein named public highways, be, and the same is hereby repealed.

This act shall take effect, and be in force from and after its passage.

## CHAPTER XLVI.

An Act relating to the Navigation of the Eastern and Western Branches of White River.

[APPROVED—FEBRUARY 12, 1825.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Alexander Ralston of Marion county, be, and he is hereby appointed a commissioner, whose duty it is hereby made, in a convenient time, previous to the next session of the General Assembly, personally to examine the obstructions, from drift wood, and leaning trees, and all other obstructions in the western branch of White River, from Sample's mill, in Randolph county, to its junction with the eastern branch, and in the eastern branch of said river, from its head, at the forks of Sugar Creek and Blue River, to its junction with the western branch, and to report a detailed statement of such obstructions, and as exact an estimate as possible, of the expenses which would necessarily be incurred in removing them, to the General Assembly of this state, at their next session.

A. Ralston appointed commissioner.

His duties.

SEC. 2. The said commissioner shall be allowed the sum of one dollar and fifty cents, for every day, by him necessarily employed, in discharging the duties enjoined upon him by the first section of this act, to be audited by the auditor of public accounts, on the account of said commissioner being presented to him, signed, sealed and attested before a proper officer, by said commissioner, and to be paid out of any monies in the state treasury, not otherwise appropriated.

His compensation.

## CHAPTER XLVII.

An Act to amend "An act for Assessing and Collecting the Revenue."

[APPROVED—FEBRUARY 12, 1825.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the auditor of public accounts be, and he is hereby required to procure, immediately, from the differ-



Register of lands to be procured by aud. pub. accounts.

Lands forfeited to and owned by the U. S. to be considered vacant.

Map of lands to be procured by aud. pub. ac'ts.

Auditor to furnish the clerk with copies of said register and map.

Clerk to file and preserve register and map.

Aud. to procure a like register & map annually.

Copies thereof to be forwarded to clerks, and filed and preserved by clerks.

Assessment rolls to be compared

ent land offices, where the lands within the state may have been, and shall hereafter, be sold, a complete register, catalogue, and description of each and every tract of land, which may have been sold at the different land offices, in such divisions as such lands may have been sold, noting the whole number of acres in each and every such division, subdivision and tract of land, either sold or unsold, particularly stating the date of entry and whether a final certificate or receipt has been given to the purchaser therefor or not, and also each vacant tract of land; and each tract of land which shall stand forfeited to the United States, and owned by the United States shall be considered vacant. And the said auditor of public accounts is hereby further required to procure from the said land offices, at the same time that he procures said registers, catalogues and descriptions of land, a complete map of all the said lands, on a scale of one inch to the mile; particularly shewing on its face all the lands sold, donated and patented, as well as all the lands vacant; and all lands that shall or may stand forfeited and be owned by the United States shall be considered as vacant land.

SEC. 2. It is hereby made the duty of the auditor of public accounts, so soon as he shall procure the said register, catalogues, descriptions and maps of lands from the said several land offices, immediately to make out and forward, to the clerks of the several circuit courts in the said counties of this state, a copy of the said register, catalogue, description and map of lands contained in any such county; which said register, catalogue, description and map, when received by such clerk, shall be by him filed in his office, and such clerk, and his successors in office, are hereby made accountable, for the safe and certain preservation of the said registers, catalogues, descriptions and maps. And the auditor of public accounts, shall annually thereafter, procure in like manner, from the several land offices, a like register, catalogue and description of all lands, which may annually be sold at the said land offices, after giving the first said register, catalogue and description of lands as aforesaid; and shall annually, on or before the first day of January, forward a copy thereof, together with all taxable lands as aforesaid, except such as has been previously furnished, to the said several clerks as aforesaid; and such copies when so received, shall be filed by such clerks, and preserved, and taken care of as aforesaid.

SEC. 3. It is hereby made the duty of the several listers, after they may have completed their assessment rolls, as required by the act to which this is an amendment, to repair to the clerk's office, and the clerks of the circuit courts shall, in the presence of such listers, compare the said assessment rolls with the aforesaid register, catalogue, des-

cription and map of lands, and if it shall appear, that there are lands taxable, not taken down by such lister on his assessment roll, the clerk and lister shall thereupon extract all such lands from the said register, catalogue, description and map of lands, and enter them on the said assessment roll as non-resident lands; and the tax thereon shall be collected in the same way and manner that it would have been collected if the said lands had been so taken down and entered on such assessment roll in the first instance by such lister.

SEC. 4. After the clerk and lister shall have corrected the assessment roll as aforesaid, the same shall be laid before the board of justices, and if it is found to contain all the land with which said county is chargeable, and is otherwise correct, the said justices shall accept it in writing, on the back thereof, signed by their president, and the clerk shall file the same in his office.

SEC. 5. Such assessment roll, when so accepted and filed, shall remain in the said clerk's office unalterable, and shall be a guide to future assessors, as far as the same may remain correct; but the assessment roll shall every year be corrected in the manner named in the third section of this act, before such assessment rolls shall be accepted and filed as aforesaid.

SEC. 6. The clerks of the circuit courts shall, in all cases when they make out duplicates of the assessment rolls for the collectors, extract from the said register, catalogue, description and map of lands, all lots of lands which will be taxable on the fifteenth day of October of that year.

SEC. 7. If it should ever again happen, as it has heretofore happened, that the board of justices, or those doing county business, shall fail to appoint a lister and cause assessment rolls of taxable property to be made according to law, that the clerk of the circuit court shall, at the time appointed by law for delivering to the collector a precept and duplicates of the assessment rolls, make out and deliver to the person acting as sheriff, a precept and duplicate of the assessment rolls of the last preceding year, containing a complete list of all the polls and lands taxable in such county, as they may stand charged on the said assessment roll of the last preceding year; and shall also annex thereto all the taxable lands which may appear from the register, catalogue, description and map of lands not to be on said assessment roll; and shall add thereto any additional polls that may at any time be discovered, and transmit a certified statement thereof to the auditor of public accounts, at the same time and manner that the amount of lands and polls are directed to be certified when regular assessment rolls have been made, noting in such report, the failure of making a new assessment roll by listing as aforesaid. And the

with the said register and map. Non-residents lands, how ascertained.

How collected.

Assessment roll to be examined and accepted by board of justices, and filed by clerk.

Where kept, and for what purpose. Shall be corrected annually.

Clerks to extract certain lands from the register and map.

When no lister is appointed according to law.

Clerk shall make out a precept and duplicate, and



Sheriff shall collect.

person acting as sheriff, shall be, and he is hereby required to collect and pay over the amount of such duplicate in the same time, way and manner, and under the same penalties and restrictions, that collectors have to make and pay over collections in cases of regular assessments, and such person acting as sheriff, is hereby in such cases declared to be the collector for such purposes; and all the power and authority is hereby given him in every particular, that any collector may or shall have in any other cases; and such collections is hereby made a part of his official duty as sheriff.

Repeal of certain provisions.

SEC. 8. So much of the act to which this is an amendment, as requires persons to go to the office of the collector to pay their taxes, and so much as gives the collectors the additional two per cent, for going to persons' houses for their taxes, and so much as requires collectors to give notice that they are ready to receive taxes at their offices, and so much as requires collectors to give ten days notice of an intention to collect by distress, and so much of said act as requires collectors to re-expose lands for sale the second time by adjourning the sale, is hereby repealed.

Collector shall demand revenue at least once.

SEC. 9. It shall hereafter be the duty of every collector, to call once at the most usual and best known place of residence of each person charged with either state or county taxes, for to receive the same, on or before the first day of September annually; and if such taxes are not paid to the collector on or before the said first day of September, such collector may at any time thereafter, (during the life of his precept,) levy the same by distress and sale of personal property, agreeably to the provisions of the act to which this is an amendment.

When collect by distress.

Notice of sale of lands and town lots to be given.

SEC. 10. Each and every collector shall give notice in some weekly newspaper published in his county, or if no such paper is published in his county, in some such paper published in some county nearest thereto, also by setting up a manuscript copy of such notice in some public place in each township of his county, for four weeks preceding the second Monday in November annually, notifying all whom it may concern, that he will, on the second Monday of November next ensuing the date of such notice, commence selling, at the court-house door of such county, or at the most public place at such county seat, or where courts are holden, all, and singular the lands and town lots, on which the taxes due thereon for the year or years, as the case may be, (naming the years,) for which he is authorized to collect, are not paid, on or before the said second Monday of November; and that such sale will be continued from day to day, between the hours of nine o'clock in the forenoon and four o'clock in the afternoon of each day, until all are offered for sale, but such notices are not to contain any description of lands or lots.

SEC. 11. And such collector shall, after having filed evidence of such notice in the clerk's office, as is required by the act to which this is an amendment, proceed, in pursuance of such notice, on the said second Monday of November, between the hours of nine and four o'clock of said day, to expose to sale each and every tract of land and town lot, by the description and number, by which they may be known on the duplicate, (on which the taxes are not paid,) for the taxes due thereon, and the costs of advertising and selling the same, or so much of such lands and lots as will sell for the amount of taxes, interest and costs due thereon, to the best bidder for ready cash, and continue from day to day between the said hours to expose the same to sale, until all have been duly offered; and such sale, shall, in all respects not herein provided for, be governed by the act to which this is an amendment; and certificates and deeds shall be given to purchasers, according to the provisions of the said act.

When lands and town lots shall be sold.

Sale may be continued.

Deeds to be made to purchasers.

SEC. 12. That in all the delinquent lists of taxes allowed by the nineteenth section of the act to which this an amendment, such delinquent lists shall not be allowed as a credit to any such collector, unless the name of the person returned delinquent, and the property for which he is delinquent, appear on the face of such delinquent list, and also appear on the face of the return of such collector, filed in the proper clerk's office.

Delinquent list, when allowed as a credit to collector.

SEC. 13. That taxes are hereby made a lien on the land or town lot on which it may be due, in whosoever hands such lands or town lots may come, and when any land or town lot is offered for sale for any such taxes, it is not necessary that the collector should sell it as the property or real estate of any particular person; but if it should be sold as the property of any particular person, no misnomer of the owner or supposed owner, or other mistake, respecting who owns any such land or town lots, shall ever in any way effect the sale, or render it either void or voidable.

Taxes a lien on lands and lots.

Mistake in the name of the owner not fatal.

SEC. 14. That for the purposes of raising a state revenue, there shall be charged annually on lands subject to taxation, the following rate of taxation, to wit: On every hundred acres of first rate land, one dollar; on every hundred acres of second rate land, eighty cents; and on every hundred acres of third rate land, sixty cents; and so in proportion for a greater or less quantity, the rates to be ascertained as is provided in the act to which this is an amendment; and on every hundred dollars of stock in a bank, twenty five cents; and on each male inhabitant of full age, sane and not a pauper, fifty cents: *Provided however,* That the board of county justices shall have discretionary power to exonerate any person (over the age of fifty years) from

Objects of state revenue.

Certain persons may be exonerated from poll tax.



paying a poll tax, who is unable to pay the same, or on account of bodily disability.

Objects of  
c'ty revenue.

SEC. 15. That for the purpose of raising a county revenue, the boards of justices of the several counties shall levy such taxes on horses, asses and mules over the age of three years, and on covering horses, and on work oxen over the age of three years, and on pleasure carriages, brass clocks, gold, silver, and pinch-back watches, on polls, on license to retail spiritous liquors, on license to vend foreign merchandize, on ferries and on land and town lots, without the improvements thereon, as they shall deem expedient, so as to enable them to defray the county expenses, and gradually pay the county debt, if any such county debt shall exist, and also on each original suit or complaint entered, commenced or prosecuted in the circuit courts, fifty cents, to be paid to the clerk of such court, before any kind of process can issue; and where any money has been advanced by any clerk or other county officer, for the use and benefit of his county, the board of justices shall order such money so advanced to be first paid; and where there is any judgment or judgments against any county in this state, the board of justices may, in their discretion, order when and in what manner such judgment or judgments shall be discharged, not inconsistent with the constitution of this state and the United States, any law to the contrary notwithstanding: that all lots in towns and villages, the plats or plans of which are not recorded, shall be taxed in the same manner that lots are in towns and villages, whose plats and plans have been recorded: *Provided however*, when any county shall owe the commissioners for locating any seat of justice therein, such claims shall be preferred to any other against said county, and the collector shall receive the orders for commissioners' wages, and shall pay the same out of the first money that shall come to his hands after such orders shall be presented to him, and the said orders accepted shall be a sufficient voucher in the hands of such collector for any claims the county may have against him, to their full amount: *Provided*, That said board shall not grant any license to vend merchandize for a less sum than ten dollars per year, nor more than twenty five dollars for the same period, to any one person or firm, occupying the same store: *Provided also*, That the poll tax authorized by this section to be levied for county purposes, shall not be obligatory on the boards of justices doing county business, but it shall be discretionary with each board to levy a poll tax, or omit the same as may appear to them most expedient for the purposes aforesaid, provided the tax so assessed shall not exceed fifty cents for each poll.

Money advanced for the use of a county, to be first paid.

Judgments against a county, how paid.

Claims of commissioners fixing seats of justice, to have preference.

License to vend merchandize, restricted.

Poll tax discretionary with board of justices.

Not to exceed fifty cents.

Same person shall list and

SEC. 16. The listers and collectors of the state revenue, shall always be the listers and collectors of county revenue;

nue; but the assessment rolls of county revenue and the duplicates thereof for collecting, shall be separate and distinct rolls and duplicates, and not in any way attached to the assessment rolls and duplicates of state revenue.

SEC. 17. That hereafter each collector of state revenue shall receive for collecting and paying over the state revenue, in addition to what he is allowed by the act to which this is an amendment, the sum of six cents per mile for going to the seat of government to pay over such state revenue, the distance to be calculated from the court house in their respective counties to the seat of government: *Provided however*, That no such mileage shall be allowed any collector, unless he shall make his payments in full into the treasury department on or before the day required by law.

SEC. 18. In all transfers of real estate made after the taking effect of this act, it shall be the duty of the purchaser, at the time he gets his deed recorded, to have his name entered on the assessment roll by the clerk in the place of the grantors; and the listers to be appointed by authority of this act, shall leave a sufficient blank space on each page of his roll, for future entries of the kind.

SEC. 19. That the sheriffs of the several counties, if no other person will accept the appointment of collector, shall collect the state and county revenue; and if any sheriff shall neglect or refuse to give bond and perform all the duties enjoined on collectors, such sheriff shall be liable to the penalty of five hundred dollars, to be recovered in an action of debt in any court having jurisdiction thereof, to be prosecuted by the attorney, prosecuting the pleas of the state in such court, and to be collected and paid into the state treasury.

SEC. 20. That present, future, and former collectors shall have power to proceed in the collection of taxes due them for two years from the time at which they were bound to pay over the state and county revenue in each year; but nothing in this section shall be so construed as to authorize any collector to meddle with delinquents, after having received a credit for the same.

SEC. 21. That in all cases of collectors and other debtors to the state of Indiana, the real and personal estate of the debtor shall be bound from the teste of the process, by which such debtor is to be summoned or arrested to answer the demand of the state, and in all cases where the estate of any debtor to the state is insufficient to pay his debts, the state shall have preference, and its demands shall be first settled and satisfied out of such estate; and in all suits prosecuted in favour of the state, or in favour of any person as trustee of the state, if process be returned that any defendant is not found, it shall be in the election of the attorney prosecuting the suit, to have an attachment issued against

collect state and county revenue.

Mileage to collector.

When forfeited.

Duty of purchasers of lands.

When sheriff shall collect.

Penalty for refusing.

Collectors may collect retrospectively. Saving as to delinquents.

Property of state debtors, where bound.

State claims preferred to private debts.

property of state debtors



may be attached.

Without affidavit of an existing debt. Notice of such attachment.

such defendant, directing the seizure of his goods and chattels, lands and tenements, rights, credits and effects, to answer said demand, without any affidavit of the existence of the debt, as in other cases between individuals; and notice of the issuing of the attachment shall be given forthwith by publishing the same in some newspaper in the county where the suit is pending, or setting up the same at the court-house door in writing; and at any time after ten days notice shall have been given, judgment may be rendered as in other cases, where process issued in domestic attachment.

SEC. 22. That the taxes charged on personal property for the year one thousand eight hundred and twenty-four, which may have been returned as delinquents by the collector, shall be transferred by the clerks of each county on the duplicate for one thousand eight hundred and twenty-five; and in like manner for each succeeding year, the clerks shall transfer to the duplicate the delinquent list, which shall be collected by the collector and paid over as in other cases.

Delinquent lists to be transferred to the duplicate of the succeeding year.

SEC. 23. That each collector in his county, be authorized and required to assess and collect a state and county tax from all real or personal estate, or persons that may not have been assessed for the year one thousand eight hundred and twenty four or any after year, and shall make return thereof, verified by his oath at the time he makes return of the precept, mentioned in the act to which this is an amendment, and shall also set up at the court-house door of his county, a list of the names and property from which he has collected such taxes, and if he shall make a false return, shall be liable to the penalties of the act aforesaid.

Collector to assess and collect retrospectively in certain cases. Return of such collectors to be made on oath.

Penalty for false return.

Retrospective collection in certain counties for the year 1824.

SEC. 24. That the clerks of the counties of Hendricks, Henry, Perry, Putnam, Rush and Vermillion, shall severally transcribe their assessment rolls for one thousand eight hundred and twenty-four; and certify them for their collection to their collectors, for one thousand eight hundred and twenty-five, with the duplicate for that year; and the collector shall collect and pay over the same as in other cases.

Circuit pros'g att'y, to overhaul, inspect, &c. retrospectively.

SEC. 25. That it shall be the duty of the circuit prosecuting attorneys, by suit or otherwise, to examine into the official conduct of the collectors of the revenue for any or each year since the organization of the state government, by inspecting and overhauling the duplicates, returns, reports, delinquent lists, unlisted property, and all other documents and papers relating to the collection of the revenue, which may be on file in the clerk's offices, in the auditor's office, the state or county treasurer's office, or in the possession of any other person; and require all collectors to account for all sums of money which, from the records and papers aforesaid, or from evidences, may appear to be in their hands; and said prosecutors may have any collec-

tor examined under oath viva voce at the trial of any suit, touching his default, and shall have the same committed to writing; and said prosecutor shall be entitled to twenty per cent. of such monies as may be found in the hands of any collector for his trouble in such examination, over and above the fees and commission now allowed in such cases, to be received against delinquent for the prosecutor's use, which shall be in lieu of all demands for such services upon the state treasury.

Compensation for so doing.

SEC. 26. That any officer withholding the payment of any monies, belonging to the state, after the same shall be demanded or become due, shall be liable to pay five per cent. in damages, and ten per centum interest per annum, from the date of such defalcation, to be recovered of such officer and his securities, or either of them by action, as in other cases.

Penalty against defaulting officers.

SEC. 27. That official statements of accounts transcribed from the records of the offices of the auditor of public accounts or treasurer of state, certified to be true by the auditor or treasurer, according to the nature of the case, and authenticated by the state seal, shall be evidence in all cases of debtors of the charges thereon stated, and put the defendant upon his defence to the demand.

Evidence in suits against defaulters.

SEC. 28. That each collector, whenever he discovers that any tract of land has been assessed more than once for the same year, he shall make collection of the single tax, and make return of the balance as illegal assessments. And in all cases where too much personal property has been, through mistake, charged by the listers, the collector may excuse such person, and report the same with the delinquent list. And should any person feel aggrieved by the rate which may be fixed on his land by the lister of any county, such person may produce evidence before the board of justices, and if they think the rate of such land too high and improperly rated, they shall order the clerk to alter it accordingly: *Provided however*, That all such lists returned by any collector of illegal assessments, shall contain a description of the property illegally assessed, and in what the illegality consists, and the persons names concerned, and shall be sworn to, and filed with the clerk of the circuit court, before it shall have any effect.

Mistakes in favour of the state in assessing, provided for.

SEC. 29. It shall be the duty of the collector of state revenue in the county of Washington for the year one thousand eight hundred and twenty-five, to call upon every person, who is resident on land which was subject to taxation in eighteen hundred and seventeen, to declare how much land he was the owner of, that was subject to taxation in said year; and whatever quantity was so subject to tax, it shall be the duty of said collector to collect the amount of such tax, that such person would have been liable to pay if

Duty of collector of Washington county.



the same had been assessed under the law in force in the said year eighteen hundred and seventeen; and said collector shall pay the same into the state treasury at the same time and manner, that he is required to pay other state revenue; and it shall be the duty of said collector to enter in a book kept for that purpose, the names of each person from whom such tax shall be collected, with the amount and rate of land; a transcript of which he shall return to the office of the auditor of public accounts, which transcript shall govern said auditor in settling with said collector, and said collector shall file the original in the office of the clerk of said county.

SEC. 30. That in all cases of tracts or lots of land which are subject to taxation, and which have not or may not be assessed in any particular year, in which such tract of land was or may be liable to taxation, the assessor or person performing the duties of lister, as soon as he shall have knowledge of such omitted tract, shall assess the same for any and all such omitted years, according to the rates of the year omitted; and enter the same in his roll for assessment and collection in like manner as lands for the current year; but such assessor shall not make any such assessment as aforesaid for any year further back than three years prior to the year in which he shall make such assessment as aforesaid, nor in any case beyond the year eighteen hundred and twenty-four inclusive, except as is herein before provided for; and in all such omitted cases, the land shall be subject to the tax omitted to be assessed as aforesaid in whose hands soever it may come.

### CHAPTER XLVIII.

An act, supplemental to an act, entitled "An act declaring Blue River a public highway, and for other purposes.

[APPROVED—FEBRUARY 11, 1825.]

WHEREAS, The commissioners who were appointed to examine Blue River, from Baylies' mills to its junction with Sugar creek, and make such improvements on the same as to render it passable for boats, were to have met at the house of Benjamin Williams on the first Monday in June last, but in consequence of the late arrival of the law, did not meet until the third Monday in November last:—  
Therefore,

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the proceedings of said commissioners are hereby legalized, and declared as valid to all intents and

Mistakes in assessing (against the state) provided for.

Preamble.

Proceedings of courts legalized.

purposes, as if they had met on the first Monday in June.

SEC. 2. James Woods of Shelby county, is appointed a J. Woods, appointed a commissioner on said river, in the place of Adam Mow, of Johnson county. commissioner.

SEC. 3. All persons subject to road duty, living within three miles above Baylies' mills, on either side of Blue River, shall be subject to work on said river in the same manner, and under the same restrictions provided in the act to which this is supplemental. Who liable to work on B. R. ]

SEC. 4. Sugar creek, from Hough's mills on said stream, to where it runs into Blue River, is hereby declared a public highway, and Lewis Morgan, John M'Connel, Joseph Hough, Joseph Rees of Shelby county, and William Freeman of Johnson county, are hereby appointed commissioners to examine the said stream, and so district the same as to equally divide the labour which will be requisite to improve the same, agreeably to the act to which this is supplemental. Sugar creek declared a public highway. Comrs appointed. Their duties.

SEC. 5. The commissioners above named, shall meet at the house of Lewis Morgan in Shelby county, on the first Monday in June next, or at such other time as said commissioners may agree upon, and then and there, previous to entering on the duties enjoined on them by this act, or the act to which this is supplemental, shall take an oath faithfully to discharge their duties according to the true intent and meaning of said acts; and the said commissioners last named, are hereby vested with the same powers, are required to discharge similar duties, and shall be allowed the same compensation, in the same way as specified and provided in the act to which this is supplemental. Where and when to meet. To be sworn. Powers and duties. Compensation.

SEC. 6. The hands subject to road duty, living within three miles on either side of or above Sugar creek, between the points above described, shall, on being called out by the last named commissioners, in the manner provided in the act aforesaid, work on said river, for the term of three days in each year, and the hands so working, shall receive similar credit, and be subject to similar penalties. Who liable to work on Sugar creek.

SEC. 7. All persons who have erected or may hereafter erect any dam across said stream, higher than four feet, shall make in such dam, a good and sufficient slope, so that boats of common size may pass without injury; and the owner or owners of said dams refusing to comply with the above provision, shall forfeit and pay the sum of one hundred dollars, to be recovered from such owner or owners, by an action of trespass, before any court having jurisdiction thereof. Owners of dams more than four feet high, to make slopes. Penalty for neglect.

SEC. 8. The board of justices of the county of Washington, are hereby authorized, on application to them, by petition of not less than thirty freeholders, resident in the townships of Franklin and Gibson, in said county, to appoint a supervisor, whose duty it shall be to take charge of creek. Duty of board of justices, supervisor and others in regard to B. R. creek.



such hands as may be assigned to him by the board of justices aforesaid, and cause the timber in Elk creek in Gibson township aforesaid, to be cleared out, or so removed as to admit the downward passage of boats from such point on said creek as may be designated by the petitioners aforesaid, to its junction with the river Muscatituck; and the board of justices aforesaid, shall apportion to such supervisor, such number of hands subject to work on roads and highways, as they shall deem necessary to clear said creek, as herein prescribed; and said supervisor, and the hands apportioned to him aforesaid, shall be governed by the same rules and regulations, and be subject to the same penalties and forfeitures for failing to perform their duties respectively, as are provided in the act regulating the opening and repairing of public roads and highways; and a supervisor shall be appointed as often as may be necessary, to clear said creek of obstructions by timber, whose power and duty shall be as prescribed in this section.

## CHAPTER XLIX.

An Act, to amend the act, entitled "An act for opening and repairing Public Roads and Highways."

[APPROVED—FEBRUARY 12, 1825.]

Who exempt from working on roads.

Two days work for personal privilege. Additional road tax to half the amt of state tax on lands, and county tax on lots. Further exemption.

Road tax may be discharged

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That hereafter preachers of the gospel regularly ordained according to the rules of their sect, such other persons as may be exempt by law, or such as may be excused by the court doing county business for good cause shewn shall be exempt from working on roads. All other male inhabitants between the age of twenty-one and fifty years shall work on roads and highways two days in each year for his personal privilege. All persons being the owners of real estate, except the owners of town lots, shall pay as a road tax one half the amount of state tax which may be charged thereon, in addition to the two days imposed as a personal tax; and all male inhabitants who are the owners of town lots shall pay a road tax, equal to one half the amount of the county tax which may be chargeable on such town lots; and no person of the age of fifty years and upwards, who may own land or any town lot or lots in the state, shall be subject to the two days tax for personal privileges; each person shall have the right to discharge themselves from the payment of the tax hereby imposed on land and town lots by working on roads and highways, under the direction of the proper supervisor, at the rate of fifty cents

per day; and it is moreover hereby made the duty of all supervisors, after having called on each person liable to work on roads in their respective road district for the two days work, next to call upon those persons who owe the greatest number of days work in such manner, that if the whole number of days work authorized by law be not necessary to keep in good repair the public roads and highways within his said district, each person may be exempt from working an equal number of days: *Provided however,* That the several supervisors, who may be appointed by virtue of this act, or the act to which it is amendatory, within the limits of that part of the state commonly called the "New Purchase," are hereby authorized and empowered to call out the hands severally allotted to them within their respective road districts two days, in addition to the two days now required by this section for their personal privilege, for the purpose of keeping the roads respectively assigned them in repair.

in work at 50 cents per day.

Further contingent exemption.

Inhabitants of New purchase may be called on to work 4 days.

SEC. 2. It is hereby made the duty of the clerks of the several circuit courts to make out a list of all the names of persons of every description owning real estate, whether by patent, deed, bond, certificate or otherwise, together with the amount of state tax on land and county tax on lots charged to each, and deliver the same to the supervisor of the proper road district, which shall be made from the duplicate and handed by the supervisor to his successor, which service shall be performed by such clerks without any compensation.

Clerks to furnish supervisors with lists of land owners and of tax charged to each.

SEC. 3. That it shall be the duty of the several supervisors to call out the hands in their respective districts, at any time when it may be necessary to remove obstructions in the roads or highways; and if any person shall fail or refuse to perform the labour required as aforesaid, he shall be liable to pay the sum of fifty cents for each and every day he may so fail or refuse to work, to be collected at the suit of the proper supervisor or as other road taxes are.

Hands may be called out at any time.

Penalty for non-attendance.

SEC. 4. It shall be the duty of each supervisor of roads to furnish the clerk of his county with a list of the names of all persons owning real estate, whether by patent, deed, bond, certificate or otherwise in his district, at the May term of the court doing county business or at the subsequent term.

Supervisors to furnish clerks with list of land holders.

SEC. 5. On all lands owned by non-residents there shall be charged and paid a road tax equal to one half the amount of the state and county tax on the same; and on all town lots owned by non-residents there shall be charged and paid a road tax equal to one half the amount of the county tax thereon; all of which shall be entered in a column for that purpose by the clerk in making out the duplicate for that year, the whole amount of which shall be certified to

Road tax on lands of non-residents, how charged.



How collect-  
ed.

How paid.

May be dis-  
charged in la-  
bor.

Supervisors  
not liable for  
costs.

Penalty on su-  
pervisors for  
neglect of  
duty.

the proper treasurer by the clerk at the same time he certifies the county revenue; and it shall be the duty of the collectors in the several counties, at the same time they collect the state and county revenue, to collect the road tax which may be due on each tract of land and pay the same over to the county treasurer at the same time he pays the county tax. But the owners of any such property may discharge and free themselves from the payment of the road tax hereby imposed by working on public roads and highways, under the direction of the supervisor of the proper district for which they or their agents shall be allowed fifty cents per day; and the collectors of the revenue are hereby required to receive in payment of such road tax the certificate or receipt of such supervisor, which he shall file with the proper treasurer.

SEC. 6. That for costs of any suit instituted and prosecuted by virtue of his appointment the supervisor shall not be liable; and in all suits commenced and pending in the name of any such supervisor, he shall be a competent witness.

SEC. 7. Any supervisor failing to discharge any of the duties enjoined on them by this act, or the act to which this is an amendment, shall for every such offence be liable to be fined in any sum not exceeding fifty dollars, by presentment or indictment in any court having competent jurisdiction thereof.

## CHAPTER L.

An Act respecting State Roads.

[APPROVED—FEBRUARY 11, 1825.]

State roads  
laid out, how  
to be changed.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That in all cases where any person or persons, through whose lands any state road may be laid out, shall be desirous of having any change or alteration of such road on said land, it shall and may be lawful for such person or persons, to apply to the circuit court of the proper county by petition, signed by twelve freeholders; which applications as authorized by the second section of this act, shall also be made by petition, signed by twelve freeholders of the proper township, to have such part of said road reviewed and altered, particularly setting forth in said petition, the part of said road so prayed to be altered; whereupon, such circuit court shall appoint three disinterested freeholders of the proper county, as commissioners to view such proposed alteration of such road, which said commissioners

when so appointed, shall meet within forty days thereafter; and when so met, shall go before some justice of the peace and take an oath or affirmation, faithfully and impartially to discharge the duties assigned them, and shall thereupon proceed to view said road, and also the proposed new way; and if reason, justice and the public good warrant such alteration, they shall accordingly so lay off and mark such new way, and shall make a complete return of all their proceedings, in writing, to the said circuit court, under their hands and seals, and the same shall be filed in the clerk's office, and be recorded where the original road was entered of record, and shall, to all intents and purposes, be a part of said state road, and shall be opened accordingly, and the old road shall be thereupon vacated.

SEC. 2. That where any state road shall have been opened and worked upon, and any person or persons shall be desirous of altering the same through his or her lands or otherwise, such person or persons may apply to the circuit court and have the same changed agreeably to the foregoing section; but the old road shall not in such cases be vacated or shut up, until the person or persons applying as aforesaid to have the same altered, shall cut out, open and repair the new way, and make it in every particular as good a road as the old one; and the court shall order the same to be recorded, and the old way vacated, as set forth in the first section hereof; and when any alterations as aforesaid shall be proposed to extend from one county into another, it shall and may be lawful for any twentyfour freeholders of either county, to file their petition, setting forth in the same, the part of the road proposed to be altered, with the clerk of the circuit court of the proper county, at least forty days before the commencement of the term at which they make application for such proposed change; and it shall be the duty of the clerk of the county where such petition is filed, forthwith to notify the clerk of the adjacent county, in writing, that such petition is filed in his office, and also transmit a copy of the same; and the clerk receiving such information and copy, shall lay the same before the circuit court of his proper county, on the first day of its next term; and it shall be the duty of the court where the petition was filed, and also of the clerk receiving the information as aforesaid, to appoint on the part of each county respectively, three disinterested freeholders as commissioners; and the court last named, shall fix on a day certain, which shall be at least forty days after the rising of said court, for the meeting of the respective commissioners from each county at the county line dividing said counties, and as near as may be to the point where it may be supposed the new road may cross the same; and it is hereby made the duty of the clerk of the said last mentioned court, forthwith to give information

How changed  
after they  
have been  
opened.

Proceedings  
when the pro-  
posed altera-  
tion extends  
from one  
county to an-  
other.



in writing, to the sheriff of the county where the original petition was filed, of the time and place of meeting of said commissioners, and the said sheriff shall thereupon notify the commissioners of his proper county within five days thereafter.

SEC. 3. That it shall be the duty of the commissioners appointed as aforesaid, to meet at the time and place specified, and after taking the oath or affirmation prescribed in the first section of this act, they shall proceed to the discharge of the duties assigned them, being governed in all and every particular by the requisitions of said first section, except that it shall be the duty of the commissioners to report their proceedings at the next ensuing term of their circuit courts, to be holden in their counties respectively; and in all cases where the commissioners appointed as aforesaid, or two thirds of their number, shall report in favour of altering any state road, it shall be the duty of the circuit courts of each county upon being satisfied, that the provisions of the second section of this act have been complied with in every particular by opening, and repairing the new way, to cause so much of said road, as lies in each county to be recorded as a state road, and also, to vacate the old road as herein before provided.

SEC. 4. That the commissioners appointed under the provisions of this act, and the surveyors, chain bearers, and markers, they may necessarily employ, shall severally receive such reasonable pay as the court may allow, which together with all legal costs, shall be paid by the person or persons applying for such alteration: *Provided*, That in all cases where commissioners are appointed from two adjoining counties as herein before set forth, it shall be the duty of each county severally to pay such expenses in proportion to the length of road that may be in either of said counties; and the court or courts shall enter their order for the payment thereof in their order book and shall have full power to enforce the payment thereof by compulsory process.

SEC. 5. That the court of chancery within and for the county of Switzerland is hereby directed to render a final decree on the report of the commissioners, by said court at their October term eighteen hundred and twenty-four, appointed to assess their several damages which Lewis Gex, Obousier, Francis Lewis Raymond, Francis Lewis Deserens, and John James Dufour would severally sustain if the state road from Lawrenceburg through Rising Sun, and Vevay to Madison should be opened as it is now located, and finally order and decree that the said state road shall not be opened as laid through the farms, orchards, and vineyards of the said Obousier, Deserens, Raymond and Dufour, until the several sums of damages assessed in their favour by a majority of the said commissioners be duly paid.

Court of chancery may render a final decree respecting a certain road.

SEC. 6. That whenever damages have or may hereafter be assessed in favour of any person or persons through whose land any state road may have been or shall hereafter be laid out and opened in consequence of which roads passing through his or their lands, it shall be lawful for such person or persons to shut up said road unless the commissioners of the same shall give an order for the amount of the damages so assessed, to be paid out of the fund appropriated to said road after receiving reasonable notice of the assessment thereof: *Provided* a reasonable notice shall in all cases be given to the commissioners by the party aggrieved, before he shuts up or obstructs said road.

Payment of damages accruing to persons by state roads, how enforced.

SEC. 7. That the eighth section of an act for opening and repairing public roads and highways, approved, January thirty first eighteen hundred and twenty-four, is hereby repealed; and so much of the eleventh section of said act as requires non-residents to pay seventy cents, in lieu of the days works imposed by said last mentioned section on such non-residents, shall henceforth be deemed and taken to impose a penalty of fifty cents for each day and no more; and hereafter, the portion of road tax assessed on the lands of non-residents, shall be the same as that which is assessed upon the lands of residents.

## CHAPTER LI.

An Act legalizing the proceedings of the Commissioners in re-locating certain State Roads.

[APPROVED—FEBRUARY 11, 1825.]

WHEREAS commissioners were appointed, by an act of the last General Assembly, to re-locate parts of the Madison, and Lawrenceburgh state roads, by which act said commissioners were to have met on the first Monday in May; but who did not meet at the time appointed in the Preamble: act aforesaid; but met on the first Wednesday in August, and on the third Monday in October last: for remedy of any inconvenience that might result from a noncompliance with the act aforesaid,

*Be it enacted by the General Assembly of the state of Indiana,* That the proceedings of said commissioners, are hereby legalized, to all intents and purposes, as though they had met on the said first Monday in May.

Proceedings of comrs legalized.

This act to take effect from and after its passage.



## CHAPTER LII.

An Act, to repeal the third section of the Special Act, entitled "An act authorizing the review of a certain State Road therein named"—approved, January 31st, 1824, and for other purposes.

[APPROVED—FEBRUARY 3, 1825.]

WHEREAS agreeably to an act of the General Assembly of this state, entitled "an act authorizing the review of a certain state road therein named," approved, January 31, 1824, appointing commissioners to review, and if necessary, to relocate a certain state road therein named, from Mount Vernon in Posey county, to Princeton in Gibson county, and whereas the expenses of such review, and relocation were by virtue of said act to be paid out of the treasuries of the counties through which the said road runs; for remedy whereof,

*Be it enacted by the General Assembly of the state of Indiana,* That all the expenses accruing from said review, and relocation be, and the same are hereby authorized to be paid out of so much of the three per cent fund as was originally appropriated for laying out, and opening said road, and that so much of said act as authorizes, and requires the same to be paid out of the treasuries of the counties through which said road passes be, and the same is hereby repealed.

This act shall be in force from and after its passage.

Preamble.

Certain expenses to be paid out of the three per cent fund.  
Repeal.

## CHAPTER LIII.

An Act allowing compensation to the Commissioners of the State Road leading from Terre-Haute to Fort Wayne.

[APPROVED—FEBRUARY 12, 1825.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the boards of justices, doing county business in the counties of Vigo, Parke and Montgomery are hereby authorized and directed to allow to John M. Coleman and Josephus Collett, such compensation as to them shall seem reasonable and just, for their services as commissioners, in laying out and marking the state road from Terre-Haute to Fort Wayne, in such proportions as said road may have been laid out through their respective counties; and said allowance when made, shall be paid out of any money, not otherwise appropriated, in the same manner that other county claims are.

SEC. 2. The several boards of justices, doing county business in their several counties, are hereby authorized at any of their sessions, for the purpose of transacting county

Compensation to be made to J. M. Coleman and J. Collett

Allowance by whom made, and when.

business, to make the allowance above mentioned, to the said John M. Coleman, and Josephus Collett, their agents, attorney or assigns, on the exhibition of satisfactory evidence touching the said services.

## CHAPTER LIV.

An Act to provide for the appointment of a separate Commissioner for that part of the State Road leading from Mauk's Ferry to Indianapolis, which lies between the town of Franklin and Indianapolis.

[APPROVED—FEBRUARY 3, 1825.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That William Sanders of the county of Marion be, Commissioner and he is hereby appointed a commissioner for that part of the state road leading from the town of Indianapolis to Madison, and to Mauk's ferry, which is situated between the town of Franklin and Indianapolis, with the same powers, and authority as is given to the several boards of commissioners named in an act entitled "an act authorizing the laying off certain state roads in this state, and appropriating one hundred thousand dollars of the fund commonly called the three per cent fund for opening said roads," approved, December 31st, 1821.

SEC. 2. That previously to entering upon the duties of his appointment, it shall be the duty of the said commissioner to take an oath, and enter into bond with sufficient security, agreeably to the aforementioned act, and to be governed in the discharge of the duties of his appointment, in all respects agreeably to the provisions of said act.

SEC. 3. That it shall be the duty of the commissioners of the state road leading from Mauk's ferry to Indianapolis, and also the commissioners of the state road leading from Madison to Indianapolis, to pay over to the said William Sanders, commissioner as aforesaid, all monies which have come into their hands respectively, and which of right or by law should be laid out on that section of said state road which is situate between the junction of the Mauk's ferry, and Madison state roads, and the town of Indianapolis, and which has not been expended on said section of said road, by the aforesaid boards of commissioners respectively.

SEC. 4. That the agent of the three per cent fund be, and he is hereby authorized to pay over to the before named commissioner such proportion of the three per cent fund as now is, or may hereafter come into his hands, as by law is designed and appropriated to said section of said road, lying between Franklin and Indianapolis.



Former com's  
discharged.

SEC. 5. That the commissioners of the state road from Mauk's ferry to Indianapolis, and the commissioners of the state road from Madison to Indianapolis respectively, be, and they are hereby discharged from all duties which may have been incumbent on them, as such commissioners of the aforesaid section of road.

Compensa-  
tion.

SEC. 6. The said commissioner shall receive for his services, one dollar per day, to be paid out of the fund appropriated to said road.

This act to be in force from and after its passage.

#### CHAPTER LV.

An Act relating to the State Road leading from Bethlehem to Columbus.

[APPROVED—FEBRUARY 7, 1825.]

*Be it enacted by the General Assembly of the State of Indiana,* That the commissioners of the state road leading from Bethlehem, and passing the Driftwood fork of White River at Fischli's mills, and thence to Columbus, be, and they are hereby authorized and required, to procure by the best contract in their power, a substantial bridge to be erected over a bayou crossing said road, on the west side of said river, near said mills, and that they appropriate for that purpose any monies which are now in their hands, not contracted to be disposed of otherwise, or which may hereafter be paid over to them, to be laid out on said road.

This act to take effect, and be in force from and after its passage.

#### CHAPTER LVI.

An Act to establish a State Road from Terre-Haute to the western boundary of the State of Indiana, in the direction to Vandalia, in the State of Illinois.

[APPROVED—FEBRUARY 11, 1825.]

Commission-  
ers appointed.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That John M. Coleman, Israel Harris and William Ray, of Vigo county, be and they are hereby appointed commissioners to view, mark and lay out a permanent state road from the point where the state road leading from Indianapolis to Terre-Haute terminates, to the western bound-

dary of the state of Indiana, and in the direction to Vandalia, the seat of government of the state of Illinois.

SEC. 2. The said commissioners shall meet in the aforesaid town of Terre-Haute, on the first Monday of May next, or on any other day thereafter, that may be agreed on by a majority of them; and after taking an oath, faithfully and impartially to discharge the duties enjoined by this act, shall proceed to lay out said road in the nearest direction, and on the best ground, and mark the same so as to identify it, and cause the said road to be surveyed.

SEC. 3. The said commissioners, or a majority of them, shall immediately after the location of said road, make out a report of the same, and file it within sixty days thereafter, in the office of the clerk of the county of Vigo; and it is hereby made the duty of said clerk, to record the same within twenty days after he shall receive it, in the record book of the proceedings of the county board of justices.

SEC. 4. It shall be the duty of the county board of justices of said county, at their first meeting, after the said road shall be laid out, marked and reported as aforesaid, to cause the same to be opened any width, not exceeding sixty feet, and made agreeably to, and under the provisions of the several acts that now are, or may be in force in this state, for the opening, and repairing of public roads and highways; and the said commissioners, hereby appointed to view, and mark said road, and the surveyor and other persons employed by them, shall be allowed such compensation for their services, as the county board of justices may deem reasonable, to be paid out of the treasury of said county of Vigo.

#### CHAPTER LVII.

An Act to establish a State Road from Harmonie in Posey county, to the Poke Patch in Warrick county.

[APPROVED—FEBRUARY 11, 1825.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Benjamin Carter of the county of Posey, Reuben Emmerson of the county of Gibson, and Zachariah Skelton of the county of Warrick, be, and they are hereby appointed commissioners to view, mark, and lay out a permanent state road, from the town of Harmonie, in Posey county, by the way of Cynthiana, in said last named county, following as near as may be, the present county road; thence the nearest and best way to the Poke Patch, in Warrick county, so as to intersect the state road from Princeton to Corydon.



When and where com'rs shall meet.

Shall be sworn

Report & plat to be made and filed.

And recorded.

How said road to be opened.

Compensation to commissioners, surveyor, &c.

SEC. 2. That the said commissioners shall meet at the said town of Harmonie on the third Monday in March next, or on any other day thereafter that may be agreed upon by a majority of them, and after taking an oath, faithfully and impartially to discharge the duties enjoined on them by this act, shall proceed to view, mark, and lay out said road by actual survey of the same.

SEC. 3. That the said commissioners or a majority of them shall immediately after the location of said road, make out a report and plat thereof, which they shall cause to be filed in the clerks offices of each of the counties through which the same shall be so laid out, within sixty days after the location thereof, and it is hereby made the duty of the clerks of the circuit courts, of each of said counties, to record the same in the record book of the proceedings of the respective boards of justices, within twenty days after the filing of the same in their offices.

SEC. 4. That it shall be the duty of the boards of justices, in each county through which the said road may run, at their first meeting after the said road shall be so located and reported as aforesaid, to cause the same to be opened any width not exceeding thirty feet, and made agreeably to, and under the provisions of the several acts, which now are or may hereafter be in force, for opening and repairing public roads and highways.

SEC. 5. That the said commissioners, together with the surveyor and other hands by them employed in the location of said road, shall be allowed such compensation for their services therein respectively, as the boards of justices of the respective counties through which said road may run, may deem reasonable, to be paid out of the county treasuries of said counties respectively.

This act to be in force from and after its passage.

## CHAPTER LVIII.

An Act making an appropriation to open a Road from Indianapolis to Fort Wayne.

[APPROVED—FEBRUARY 10, 1825.]

Appropriation of \$500 to open road.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That five hundred dollars be, and the same are hereby appropriated out of the three per cent. fund, now subject to the order of the agent of said fund, for the purpose of locating and opening a state road from Indianapolis to Fort Wayne, on the nearest and best route, commencing at the centre of Indianapolis, from thence to Noblesville in Hamilton county, and thence to Fort Wayne.

SEC. 2. James Blake of Marion county, William Conner of Hamilton county, and William Sutfenfield of Allen county, are hereby appointed commissioners to locate and mark said road, under the provisions of this act.

SEC. 3. It shall be the duty of the persons doing county business in the above named counties, so soon as the said road shall be located and marked, to proceed forthwith, and cause the same to be opened through their respective counties, in the same manner other county roads are opened.

SEC. 4. As soon as the said road shall be located and marked, it shall be the duty of the above named commissioners, to file in the offices of the clerks of their respective counties, an entire plat of the said road; and the said commissioners shall be allowed one dollar and twenty-five cents for each day that they are engaged in viewing and marking the same, out of the above sum appropriated, to be paid on their certificate and oath.

SEC. 5. Said commissioners shall be allowed to hire, not exceeding three hands, at a price not exceeding one dollar per day each, to assist in locating and marking said road, which shall be paid by the agent of the three per cent. fund, on the certificate of said commissioners.

SEC. 6. When the said road shall be marked and located under the provisions of this act, it shall be the duty of said commissioners, to make such partitions or divisions of that part of said road as lies between the actual boundary of Hamilton county, and the actual boundary of Allen county, as to them may seem proper, and offer and sell the opening of the whole, or any part to the lowest bidder, pursuant to the provisions of an act, entitled "an act for locating certain state roads therein named, and appropriating one hundred thousand dollars of the fund commonly called the three per cent fund for opening the same;" approved, Dec. 31, 1821; and the same powers and duties that are granted to and required of the commissioners of state roads, in viewing and opening the same, that are not embraced in the provisions of this act, are hereby delegated to the above named commissioners; and they are hereby required to take the same security by bond, and in the same manner, of purchasers of the opening of said road or any part thereof, as is required of the various commissioners in the act above referred to; *Provided,* That the above named sum of five hundred dollars hereby appropriated, shall not lessen, decrease or in any manner whatever, affect the sum of one hundred thousand dollars of the three per cent. fund heretofore appropriated, further than to postpone five hundred dollars thereof to a later period: *And provided also,* That the sum to be expended, and hereby appropriated to effect this object, shall hereafter be deducted from such part of the three per cent. fund as may hereafter be allowed to the counties through which this

Commissioners appointed to locate road

Road, how opened.

Plat to be filed

Compensation to commissioners.

Assistants may be employed and paid.

Road to be divided into partitions, & the opening sold to the lowest bidder.

powers and duties of the com'rs.

Proviso as to prior appropriations.

Proviso as to subsequent appropriations.



road may pass, for the use and benefit of the fund from which it is now taken.

SEC. 7. It shall be the duty of the above commissioners to meet at such time and place, as they may agree upon, and take an oath impartially and faithfully to discharge the duties imposed on them by this act, and the act to which this refers.

SEC. 8. It shall be the duty of said commissioners, or any two of them, who are hereby declared a quorum, and competent to act in the letting out to be opened, all or any part of said road, to be governed in all respects by the provisions of the act to which this refers.

#### CHAPTER LIX.

An Act authorizing a review of a part of the State Road from Highlands on White River, to Washington, thence to Spencer, thence to Indianapolis.

[APPROVED—FEBRUARY 12, 1825.]

WHEREAS, It is represented to this General Assembly, that part of the state road leading from Highlands on White River, to Indianapolis, as located under an act authorizing certain state roads in this state, &c.—approved, December thirty-first, eighteen hundred and twenty-one, is not on the established mail route, nor compatible with the interests of the people, nor on the most suitable ground; and a review and re-location of that part of said road lying between the bridge on Prairie creek, in Daviess county, and Spencer in Owen county, is prayed for: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That James Ball of the county of Daviess, Thomas Bradford of the county of Greene, and Philip Hart of the county of Owen, be, and they are hereby appointed commissioners, to review and re-locate so much of said road as lies between the bridge on Prairie creek, in Daviess county, and Spencer, in Owen county, and to re-locate, fix and establish said road on the most eligible ground, to pass through Bloomfield, the seat of justice of Greene county; and the said commissioners shall proceed to review, mark and lay out the part of said road herein mentioned, of the usual width, and shall make out under their hands and seals, three reports of their proceedings at full length, a copy of which they shall file or cause to be filed in each of the circuit courts' clerks' offices, of the counties of Daviess, Greene and Owen; which said reports shall be recorded by the said clerks, in the record book of their respective counties; and said road, when so reviewed, marked, laid out, recorded, and opened,

In pursuance hereof, shall ever after be considered and kept in repair, as part of the state road aforesaid, in room of such part or parts of said road as heretofore opened, which is thereby rendered unnecessary, and shall be vacated, and the money authorized to be laid out on said road, and yet unexpended, shall be received by said commissioners, so far as may be necessary to defray the expense hereby authorized, in the same manner as the three per cent. fund is now received and applied on state roads.

SEC. 2. The commissioners aforesaid, shall meet in the town of Bloomfield, in Greene county, on the first Monday in April next, or as soon thereafter as convenient; and after taking an oath or affirmation, proceed to discharge the duties enjoined on them by this act, and make return of their proceedings, so soon as possible after they or a majority of them shall have met as aforesaid.

SEC. 3. The commissioners aforesaid, shall have power to employ a surveyor, chain bearers and markers, who shall have the usual allowances paid for like services, and the compensation of the commissioners hereby appointed, shall be the same as that of the commissioners acting under the general law; and the agent of the three per cent. fund is hereby authorized to pay the money in this act appropriated, according to the rules and regulations prescribed by said law: and the said commissioners, and the undertakers of the work hereby authorized and required, the clerks of the circuit courts, and county commissioners of the counties herein mentioned, and all other persons concerned, shall respectively have the same powers, and be in all respects subject to the same regulations, and restrictions, as are prescribed by the said general law.

This act to be in force from and after its passage.

#### CHAPTER LX.

An Act, to repeal part of the act, entitled "An act concerning Saltpetre Caves, and for other purposes."

[APPROVED—FEBRUARY 7, 1825.]

*Be it enacted by the General Assembly of the state of Indiana,* That so much of the act entitled "An act concerning saltpetre caves, and for other purposes," as compels owners, or occupiers of salt works, or salt water, to keep the same enclosed, under the penalty of ten dollars for every day the same may be neglected, be, and the same is hereby repealed: *Provided however,* That so much of any salt works as may be necessary to keep cattle from the fine troughs, or vats, and from the salt troughs, vats and houses, shall be kept enclosed under the penalties of the act to which this is an amendment.



## CHAPTER LXI.

An Act appointing Commissioners to locate the Seat of Justice of Madison County.

[APPROVED—FEBRUARY 12, 1825.]

Commissioners appointed. SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Hiram Aldrige, and Lewis Morgan of Shelby county, Jehu Perkins, and Charles Veeder, of Rush county, and Martin Atkins of Decatur county, be, and they are hereby appointed commissioners to locate the seat of justice of Madison county. The commissioners above named shall meet at the house of Thomas M'Cartney, on the first Monday in June next, and after taking an oath faithfully to discharge their duty, shall proceed, under the provisions of an act, entitled "An act for fixing the seats of justice, in all new counties hereafter to be laid off," to fix on a suitable site for the permanent seat of justice for said county.

Where meet. SEC. 2. The north line of Madison county, shall be the line dividing townships nineteen and twenty, north.

Shall be sworn. Their duties. This act to take effect and be in force from and after its passage.

North line of Madison county designated.

## CHAPTER LXII.

An Act appointing Commissioners to re-locate the seat of justice of Lawrence county.

[APPROVED—FEBRUARY 9, 1825.]

Commissioners appointed. SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Amzi Joselyn of Owen county, John Ketcham of Monroe county, Jonathan Lyon of Washington county, Ezekiel S. Riley of Orange county, and William Marshall of Jackson county, be, and they are hereby appointed commissioners to re-locate the seat of justice of the county of Lawrence. The commissioners aforesaid or a majority of them, shall meet at Palestine, in said county, on the second Monday in March next, and after being duly sworn shall proceed to the discharge of their duties, and shall procure by donation or by purchase a quantity of land sufficient to lay out a town of an equal number of lots with the town of Palestine, on an eligible and healthy situation. They shall receive the same pay, and be governed in all respects by the provisions of an act entitled "An act to establish seats of justice in new counties"—approved, January 14th 1824.

When meet. Shall be sworn.

Procure land to lay out a town.

Compensation.

SEC. 2. When the commissioners aforesaid shall have re-

located said county seat, it shall be the duty of the agent of said county to lay off the said town on a plan as nearly similar as may be with the town of Palestine, and with a corresponding number of lots; and any, and every person who shall, or may have purchased and paid for any lot or lots, in whole or in part, on completing the payment for the same, in the town of Palestine, shall have the privilege of exchanging the same for other lot or lots, correspondingly situated in the new town that may be laid off by the said commissioners, by filing and acknowledging before the recorder of said county, an application for such exchange, and the same shall be entered on record by the said recorder, at the expense of the county, which shall pay to the recorder therefor, fifty cents, and the same shall have the effect of an absolute release of all the right, title and interest, of such applicant, in and to said lot or lots; and it shall be the duty of the agent, on being presented with the recorder's certificate of such relinquishment and application, to give to the applicant a good and sufficient warranty deed of the lot, or lots in the new town, which shall be in a corresponding number with the lot or lots relinquished in Palestine. Provided that the applications for such exchanges shall be made within twelve months after the re-location of said county seat.

SEC. 3. The commissioners aforesaid, shall also value the donation which was given to the said county of Lawrence for the county seat at Palestine, not taking into consideration any improvements made thereon, and the value thereof, shall be refunded to the persons who donated the same, or their legal representatives, out of the monies arising from the sale of such town lots, or other public property as may belong to said county.

SEC. 4. The sheriff of the county of Lawrence, shall notify the commissioners aforesaid, of their appointment by this act, and the time and place of meeting; for which he shall receive such compensation as by the board of justices of said county, shall be deemed just and reasonable, to be paid out of the county treasury of said county.

SEC. 5. Any person owning any lot or lots in the town of Palestine, on which any buildings are erected, and who shall feel himself aggrieved by the re-location of said county seat, may at any time within twelve months, after the passage of this act, make application to the board of justices of said county, to have the said lot and buildings valued, and it shall be the duty of the board of justices thereupon, to appoint one commissioner, the applicant another, and the two commissioners a third, neither of whom shall be residents in said county, of any kin to the applicant, or the owners of any real estate therein, who shall meet at Palestine on some day to be agreed on by themselves, within thirty days

Agent to lay off town.

Relief to owners of lots in Palestine.

Former donation to be valued and refunded.

Sheriff of Lawrence to notify com'rs.

Relief to persons owning improved lots in Palestine.



after their appointment, of which, timely notice shall be given by the applicant, and after taking an oath, faithfully and impartially to discharge their duty, shall view and value the lot or lots and buildings, so improved in Palestine, and the lot or lots correspondingly situated in the new town; and they shall certify the difference in the value thereof, to the clerk of said county, to be by him laid before the board of justices, and if the difference should be in favour of the lot in Palestine, to be allowed and paid as required in the third section of this act. The said commissioners appointed under this section, shall be allowed the sum of one dollar per day each, for their services, to be paid by the county: *Provided however*, that the applicant for such valuation, shall first file in the recorder's office of said county, an application and relinquishment of the same nature, and to have the same effect as is provided for in the second section of this act.

SEC. 6. The agent of said county, shall reserve ten per cent. out of the proceeds of the sales of such lots as may be sold for the use of said county in the said re-located county seat, for the use of a county library, which shall be paid over in the same manner as is now provided for by law.

SEC. 7. The board of justices for the said county of Lawrence, shall, as soon as practicable, commence the erection of the necessary public buildings at said new county seat; and the circuit and other courts for said county, shall be holden at Palestine, until the said buildings shall be ready for their reception.

This act to take effect and be in force from and after its publication in the Indiana Journal.

### CHAPTER LXIII.

An Act appointing Commissioners to re-locate the seat of justice of Posey county, and for other purposes.

[APPROVED—FEBRUARY 12, 1825.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That James Smith, and James Stewart of Gibson county, Amos Clark, and Jay Morehouse of Vanderburgh county, and Richard Daniel of Knox county, be, and they are hereby appointed commissioners to re-locate the present seat of justice of Posey county. The commissioners aforesaid, or a majority of them, shall meet at the town of Springfield, in said county of Posey, on the first Monday of May next, and after being duly sworn faithfully to discharge the duties assigned them as commissioners, shall examine into the

Compensation to com'rs.

Public buildings to be erected.

Commissioners appointed.

Where and when to meet.

situation of said county, and if a donation can be procured, which in their opinion will be sufficient to defray the expenses of erecting good and sufficient public buildings, suitable for said county, and in a more advantageous situation for the interest of the people of said county, they shall procure said donation to be made, and shall then proceed to re-locate the seat of justice for said county.

SEC. 2. The commissioners aforesaid, or a majority of them, when so assembled, if they determine upon a re-location of said seat of justice, shall make an estimate of the value of the property donated to said county at the time the same was given, previous to the establishing of the seat of justice at Springfield, and shall also make an estimate of the present value of each and every lot in said town of Springfield, and how much less valuable they will become by the removing of the seat of justice therefrom, all which they shall certify to the board of justices of said county under their hands, and seals, and the said board of justices shall cause such certificate to be entered in their records; and the said board of justices shall cause the value of all such donations to be refunded to the person, or persons making such donation; and all damages accruing from said re-location, shall be paid out of the treasury of the said county, to the person or persons owning any lot or lots, in said town of Springfield, or their legal representatives.

SEC. 3. As soon as the board of county justices shall be satisfied that suitable public buildings are procured for holding courts, and for other county purposes, they shall direct the clerk of the circuit court, and recorder of said county, to remove their offices to the new seat of justice, and from that time the circuit court, and all other courts of said county, shall be held there, and the seat of justice shall forever after remain at the new site: *Provided however*, that if said commissioners, after ascertaining the amount of donations that may be offered for a re-location of said seat of justice, shall be of opinion that they will be insufficient to erect said public buildings, they shall certify the same to the board of justices of said county, under their hands and seals, which certificate said board of justices shall cause to be entered on their records, and the seat of justice shall remain at Springfield.

SEC. 4. It shall be the duty of the sheriff of Posey county to notify the commissioners aforesaid of the time, and place hereby appointed for them to meet, for which he shall be allowed by the board of justices aforesaid, a reasonable compensation. And the aforesaid commissioners shall be compensated, and in all respects governed by the provisions of an act, entitled "an act to establish seats of justice in new counties"—approved, January 14, 1824, and all the

Their duties in regard to re-locating the seat of justice.

Their duties subsequent to a re-location.

Former donations to be refunded.

Damages accruing, to be paid.

Offices of clerk and recorder, to be removed by order of B. of J.

Courts, where holden.

Duty of commissioners and Board of justices, if the donations offered, be insufficient.

Sheriff of Posey to notify commissioners.

His compensation.

Compensation to com'rs.



amendments thereto, now in force in this state, so far as they are not inconsistent with this act.

Sec. 5. Whenever the said commissioners shall have designated a place at which to re-locate said seat of justice, or as soon thereafter, as the said board of county justices shall think expedient; they shall cause the public buildings, or such part of them as they shall deem advisable, to be removed, or otherwise order the same, together with all other property belonging to said county, at the present seat of justice, to be sold on such terms as they may judge most advantageous to said county, and the monies arising from such sales, shall be disposed of as other county funds are.

This act to take effect and be in force from and after its passage.

## CHAPTER LXIV.

An Act, supplementary to an act, entitled "An act concerning the Secretary of State.

[APPROVED—FEBRUARY 11, 1825.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the secretary of state is hereby required to procure immediately, at the expense of the state, a proper branding iron, composed of the Roman capital letters, P. S. I. (meaning, the "property of the state of Indiana,") and when said branding iron shall be so procured, the said secretary of state, shall immediately, well and sufficiently brand, by burning with said branding iron, all the chairs, desks, tables, and other moveable wooden furniture of the said state of Indiana, on some conspicuous part thereof; and the said secretary shall preserve in his office of secretary of state, the said branding iron for such like purposes.

Sec. 2. It shall hereafter, at all times, be the special duty of the said secretary of state, to collect together in some proper place, all the chairs, desks, tables, ink-stands, ink-bottles, candle sticks, sand boxes, and all other moveable property and furniture belonging to the state, and cause the same to be taken care of at all times, except when the General Assembly may be using the same; but so soon as they shall have risen, he shall forthwith take possession thereof, and carefully preserve the same; and it shall moreover be his duty to keep a book, in which he shall register all and singular, the number, name and description of the aforesaid articles of property belonging to the state.

This act to take effect and be in force from and after its passage.

## CHAPTER LXV.

An Act, to amend "An act to establish a Board of Trustees for the promotion of Schools and Education in Clark's Grant"—Approved, January 29, 1824.

[APPROVED—FEBRUARY 7, 1825.]

WHEREAS, The circuit court of Clark county, were required by the act to which this is an amendment, to do and perform certain things in said act mentioned, relative to the territory originally denominated the *Illinois Grant*, but now commonly called "Clark's Grant;" and the said court having failed to execute the provisions of said act: Therefore,

*Be it enacted by the General Assembly of the state of Indiana,* That the said court shall proceed to execute the provisions of said act, at their first term after the taking effect hereof, in the manner directed in said act; and their acts, and all others done in pursuance of the requisitions of the aforesaid statute, shall be as valid as if done at the time therein provided.

This act to be in force from and after its passage.

## CHAPTER LXVI.

An Act, to amend an act, entitled "An act Incorporating Congressional Townships, and providing for Public Schools therein"—Approved, January thirty-first, eighteen hundred and twenty-four.

[APPROVED—FEBRUARY 12, 1825.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That it shall be the duty of the district trustees appointed by the authority of the act to which this is an amendment, so soon as they shall have a school-house finished agreeably to the seventh section of the act aforesaid, to proceed to make a list of all the taxable property within their district, with the valuation thereof annexed, together with the names of the persons owning the same; which list shall be certified by such trustees, and filed with the clerk of the corporation.

Sec. 2. That in all cases where it shall be found that the money or property in the hands of the township treasurer, covered by the draft of the township trustees, as directed in the act to which this is an amendment, is not sufficient to fulfil the contract made by the district trustees, to certify to the clerk of the corporation, the amount required to fulfil such contract; and it shall be the duty of the clerk aforesaid, to apportion the amount so required, among the seve-

Public buildings and other property at Springfield, how disposed of.

Secretary to procure branding iron.

To brand the state furniture  
Branding iron to be preserved.

State furniture to be collected together and preserved.

To be registered.

Preamble.

Directory to the circuit court of Clark county. Their acts declared to be valid.

District trustees, their duty.

Additional school fund, how assessed.



ral persons on the list certified by such district trustees, agreeably to the valuation annexed as aforesaid, and deliver the same to the district trustees aforesaid, who shall give notice to each person so taxed, of the amount so due, together with the articles of property that will be received in payment, and at what place within the district the same may be delivered, as also the price that will be allowed for each article, either by weight or measure: *Provided*, That in no case shall the clerk of the corporation, in making the apportionment aforesaid, charge any person with a larger sum in any one year, than one fourth per centum on the valuation of the property so listed.

Restriction as to amount.

How collected.

SEC. 3. It shall be the duty of the district trustees, twenty days after having notified every person taxed in the district as aforesaid, by giving them a personal notice, or by leaving a written notice at his, her or their place of residence, to deposit with some justice of the peace, the list of apportionment so made out as aforesaid, as also a list of the names of the persons who had paid the amount of their taxes; and it shall be the duty of the justice, after having examined the two lists as aforesaid, to proceed to collect the amount due from each person taxed as aforesaid, and such list or apportionment, so deposited with such justice, shall be evidence of the amount due from each person taxed as aforesaid, and who have not paid agreeably to the foregoing provisions of this section; and such justice shall pay the same over to the district trustees.

School lands not be leased beyond ten years.

Repeal. When board of justices shall appoint trustees.

SEC. 4. The third section of the act to which this is an amendment, shall not be so construed, as to authorize the trustees of congressional townships, to lease the reserved land in their respective townships, for a longer term than ten years; the fourteenth section of the act to which this is an amendment, be, and the same is hereby repealed.

SEC. 5. That in all cases where the inhabitants of any congressional township, shall neglect or refuse to incorporate themselves, as provided by the act to which this is an amendment, it shall be the duty of the board of justices of the proper county, to appoint three trustees, who shall have power to rent or lease the sixteenth section of said township, as may be designated by the said board of justices.

This act to take effect and be in force from and after its passage.

## CHAPTER LXVII.

An Act to locate and establish a Seminary in and for the county of Union.

[APPROVED—FEBRUARY 7, 1825.]

SEC. 1. *Be it enacted by the General Assembly of the state of*

*Indiana*, That Joseph Hanna of Franklin county, Beal Butler of Wayne county, and Allen Crisler of Fayette county, are hereby nominated and appointed commissioners to locate and establish a seminary of learning in Union county; and said commissioners are authorized and required to convene at the court-house in the town of Liberty, on the second Monday of August next; and after taking an oath or affirmation, as the law directs for fixing seats of justice in new counties, shall examine and determine on the most eligible site in said county for such purpose, holding in view, the advantages of health, population and donation. The said commissioners or a majority of them shall, after agreeing on the site, secure all donations which may be made, by requiring each donor to give bond with sufficient security for their several performances, payable to the trustee of said county, or his successors in office.

Commissioners appointed.

Where and when to meet. To be sworn.

Their duties.

SEC. 2. *Be it further enacted*, That the qualified voters in each township of said county, shall, on the first Monday in August next, elect one of their number, who shall, on the second Monday of August next, meet at the said town of Liberty, and then and there, take an oath or affirmation, to be administered by a justice of the peace, to well and truly discharge the duties of a manager of the Union seminary, during their continuance in office, and shall then determine by lot, the periods which they shall severally serve as such managers, so as to admit of no one man holding his office more than four years without vacation, allowing to each township, the exclusive right of one manager continually.

Managers, when, where and how elected.

SEC. 3. The said managers shall be a body corporate, with all necessary funds which now are, or hereafter may be collected in said county, select teachers, determine on rates of tuition, and all additional duties which may be necessary to carry this act into effect, according to the true intent and meaning thereof.

Their powers.

SEC. 4. *And be it further enacted*, That the trustee of said county is hereby required to ask, demand and receive from the sheriff or collector of said county, annually, all moneys by him collected for seminary purposes, and use compulsory process in all cases where he may deem it necessary for the safety of said institution, and exhibit a correct statement thereof to the said managers.

Duties of the trustees of seminary fund.

SEC. 5. *And be it further enacted*, That the said commissioners shall be notified by the sheriff of Union county, and after discharging the duties enjoined on them by this act, shall, together with the managers aforesaid, be remunerated for their services, by order of the board of justices of said county, on the seminary fund of the same.

Commissioners to be notified.

Their compensation.

This act to take effect from and after the first day of August next.



## CHAPTER LXVIII.

An Act, supplemental to "an act establishing a County Seminary in the county of Knox."

[APPROVED—FEBRUARY 12, 1825.]

Repeal.

Provisions of the general law, extended to the seminary of Knox co.

Trustee of Knox county seminary. His duty. To pay the claim of C. G. Brown.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That so much of the act, entitled "An act establishing a county seminary in the county of Knox, as allows and authorizes the former university trustees to be and continue in like manner, trustees of the county seminary aforesaid, be, and the same is hereby repealed; and the act, entitled "An act relating to county seminaries," approved, January 31, 1824, shall extend and apply to the seminary of Knox county, and to the trustees thereof.

SEC. 2. That the trustee of said seminary, who shall be appointed under the act relating to county seminaries aforesaid, is hereby authorized to receive and collect all moneys now due, and hereafter accruing to said seminary; and he is hereby authorized and required to pay to Claudius G. Brown, or his order, out of the first moneys that may, in pursuance of this act, come into his possession, the amount justly due the said Brown, under the decision of the auditor, authorized to audit said claim, by an act for the relief of said claimant; approved, January 26, 1824, if he is satisfied that the same has been truly audited; otherwise to pay to said Brown, or his order, as above directed, such sum or sums, as on mutual arrangement and examination, may be found to be due, and owing to said Brown, from the university, and county seminary aforesaid.

## CHAPTER LXIX.

An Act to amend an act, entitled "An act relating to county seminaries"—approved, January thirty first, one thousand eight hundred and twenty four.

[APPROVED—FEBRUARY 10, 1825.]

Sheriff's to account for fines at each term of the circuit court.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That in all cases where fines may be imposed on any person or persons, by the judgment of any circuit court, for any breaches of the penal laws of this state, it shall be the duty of the sheriff of the county where such judgment was given, to account for all fines imposed as aforesaid, at the next term of said court, and an entry thereof, shall be made on the records of the same.

SEC. 2. That it shall be the duty of each and every prosecuting attorney, within the several judicial circuits, at

the fall term of the circuit courts, to be holden within the same, to examine into the situation of the seminary funds of the several counties within such judicial circuit, and to require all sheriffs, clerks, justices of the peace and trustees of county seminaries to account for all monies, which, from the records of the circuit courts, the dockets of the justices of the peace, or the books of trustees of county seminaries, may appear to have come into their hands; and the said prosecutors are hereby authorized, in a summary way, to send for persons and papers, and to require all persons concerned, to answer under oath, such questions relative to the funds aforesaid, as the said prosecutor may propound; and said prosecutor shall moreover, lay before the circuit court of the proper county, at the term of the court aforesaid, an exhibit of the state of the seminary funds in such county, which shall be entered of record, in a book to be by the clerk kept for that purpose, and shall be certified and signed by the associate judges of said court; and it shall further be the duty of the clerk of such court, to forward a certified copy of such record, to the general assembly of this state, at its next session thereafter, directed to the speaker of the house of representatives.

SEC. 3. That the tenth section of the act to which this is an amendment, is hereby repealed.

This act to take effect and be in force from and after its publication.

## CHAPTER LXX.

An Act, to amend "an act concerning the Seminary lands in Gibson and Monroe counties, and for other purposes."

[APPROVED—FEBRUARY 10, 1825.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That John W. Lee, agent of the reserved township of land in Monroe county, be, and he is hereby authorized and required, to rent all the improved land, in the township aforesaid, for the best price they will bring in money; each lot of said land shall be set up at public vendue, on the first Monday of March, biennially, and the highest bidder shall be the purchaser, and shall give bond with approved security, for the payment of the money so bid for each year, on or before the first day of December, annually thereafter; and shall moreover bind himself in manner aforesaid, to keep the rented premises in good repair, and to prevent all unnecessary waste from being committed on the same, under such penalty (being less than twenty dol-

Prosecuting attorney, his duties & powers in relation to the seminary fund. To require officers to account.

Send for persons and papers, and require answers on oath. Make an exhibit of the state of seminary fund, which shall be recorded by clerk, and certified by associate judges.

Agent to rent improved lands.

Lessee to give bond.

Conditions of bond.



lars) as any justice of the peace of Bloomington or Clear Creek township, of said Monroe county, upon proof thereof made, shall deem just and reasonable, to be sued for, and collected by said agent, in his name as such; and such damages when collected, together with all moneys arising from the rents of said township, shall be paid to the seminary trustees, or their treasurer, taking a receipt for the same:

*Provided however,* That said agent shall not rent any of the aforesaid lands for a less sum than sixty-two and an half cents per acre for each year.

Minimum price per acre per annum.

Trustees of seminary entitled to rents and profits—also the interest of seminary moneys in state treasury. Interest, how computed and paid.

SEC. 2. That the trustees of the state seminary are hereby authorized to receive all the profits arising in any way from the lands of the township aforesaid; and in addition thereto, they shall be entitled to receive the legal interest, that may be due from this state on seminary moneys now in its treasury, and such interest shall be computed by the treasurer of state, on or before the first Monday of December next, and annually thereafter; and the amount thereof certified by said treasurer to the auditor of public accounts, who is hereby required to audit such amount, and the treasurer to pay the same, on the twentieth day of December of each year, out of any moneys in the treasury not otherwise appropriated: *Provided however,* That it shall be the duty of the president of the board of trustees of the state seminary, to present, or forward an order for such interest, signed by himself and countersigned by the secretary of said board, before the treasurer shall pay the same; and all moneys herein mentioned, shall be, by said board of trustees, applied for the support of the state seminary located on the reserved township in Monroe county aforesaid.

Moneys, how applied.

Agent to be sworn.

Give bond.

Conditions of bond.

Bond, with whom deposited. Compensation to agent.

SEC. 3. That it shall be the duty of the agent appointed by this act, or his successor in office, before entering upon the discharge of his several duties herein prescribed, to take an oath or affirmation, for the faithful performance of the same, and shall moreover enter into bond, with good freehold security, to be approved of by the board of trustees aforesaid, or a majority of them, in double the sum that may in any one year come into his hands, as agent aforesaid, payable to the state of Indiana; conditioned for the faithful accounting for, and paying all such sums of money belonging, or in anywise appertaining to said township as he may from time to time receive, and for the safe delivery to his successor in office, of all bonds or other papers relative to said township concern; which bond shall be deposited with the president of the board of trustees aforesaid, to be by him kept: and the said trustees shall allow said agent for his services yearly, such compensation as shall be just and reasonable.

SEC. 4. That if the present agent of the reserved township shall resign, remove, or refuse to qualify, as herein before required, it shall and may be lawful for the board of trustees

tees aforesaid, to appoint from time to time, another agent, who shall in all things be governed by the provisions of this act, and shall moreover take the same oath, and give the bond herein before required.

Vacancy in the agency, how filled.

SEC. 5. It shall be the duty of the board of trustees aforesaid, to make out, and report to the General Assembly of this state, on the first week of their session annually, a correct statement of the amount of moneys received in each year, and also of the obligations held on individuals for rents, the amount paid for tuition in the state seminary, the number of students taught therein, and the sum paid to the agent of the reserved township, together with all such facts as may relate to the character, progress and well being of the state seminary aforesaid.

Trustees to report to G. A.

SEC. 6. That the license heretofore granted by the board of trustees aforesaid, authorizing the undertakers of the seminary buildings, to take timber from off the reserved township, for the purpose of making columns, joists, rafters and shingles, and also stone for the foundation of the large building, is hereby legalized; and for any timber or other materials mentioned as aforesaid, and taken under such grant of permission, no suit shall lie against such undertakers, or persons working for them; and they may plead this act in bar thereof.

License to cut timber and take stone, legalized.

This act to take effect from and after its passage.

## CHAPTER LXXI.

An Act, to amend the act, entitled "An act to regulate and license Taverns"—approved, January 20, 1824.

[APPROVED—FEBRUARY 12, 1825.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That hereafter when any person or persons, shall make application under the provisions of the act to which this is an amendment, for a license to keep a tavern in any town or village within this state, he, she or they shall produce the certificate of at least twenty-four respectable freeholders, who are inhabitants of such town or village, certifying that the person or persons so applying, are of a good moral character; that it would be for the benefit of travellers, and conducive to the public good, if such tavern should be opened, and that they believe that it is bona fide the intention of such applicant or applicants, to keep a tavern for accommodation of travellers: *Provided however,* That if the town or village wherein the tavern so proposed to be kept, does not contain twenty-four freeholders, who are inhabi-

Number of freeholders, & their certificate, amplified.



Proviso.

tants, that the number may be completed by freeholders in the immediate vicinity.

Qualifications of tavern keepers amplified.

SEC. 2. *Be it further enacted*, That before any person shall be entitled to a license to keep a tavern under the provisions of the act to which this is an amendment, he, she or they, shall prove to the satisfaction of the board of justices of the proper county, that such applicant is the bona fide owner, or tenant for one year, or more years, of a good house, with at least three apartments, and a stable convenient to said house, with at least four good stalls; and further, that such applicant is the owner of at least two beds and bedding, over and above what is used by his or her family, and all other furniture necessary and proper for a tavern in such town or village.

bond to be given.

SEC. 3. *Be it further enacted*, That before the board of justices for any county shall grant a license to any person or persons to keep a tavern as aforesaid, they shall require such applicant to enter into a bond, with good freehold security, conditioned, in addition to the requisitions of the first section of the act to which this is an amendment, that the applicant shall at all times during the continuance of said license, keep in the house wherein the tavern is kept, at least one spare room, and two beds and bedding, besides that which is used by the family; together with other necessary furniture, and good stabling for at least four horses. So much of the act to which this is an amendment, as contravenes any of the provisions of this act, shall be and the same is hereby repealed.

Repeal.

SEC. 4. That so much of an act to regulate and license taverns, approved, January 24, 1824, as empowers the board of justices in each county, to assess rates and prices to govern tavern keepers, be, and the same is hereby repealed: *Provided*, each tavern keeper shall be bound to keep, in one of his most public rooms, and in plain view of his guests, a complete list of his own rates and prices, for food, lodging, liquor, and stabling for horses.

Repeal.

Proviso.

Innkeeper not liable for losses by accidental fire.

SEC. 5. That in all cases where suit shall hereafter be commenced against any innkeeper, for the value of property which may be lost by fire, it shall be lawful for such innkeeper to give in evidence, any matter which will show that the property aforesaid, was destroyed by fire, which was not under the control of such innkeeper, and for such property so destroyed, such innkeeper shall not be liable.

## CHAPTER LXXII.

An Act to provide for a change of Venue in a certain case therein named.

[APPROVED—FEBRUARY 7, 1825.]

*Be it enacted by the General Assembly of the State of Indiana*, That the venue, or place of trial, determination and judgment in the suit in which the governor of the state of Indiana is plaintiff, and Daniel C. Lane, late treasurer of state, and sundry other persons, his securities, are defendants, and which is now pending and undetermined in the Harrison county circuit court, be, and the same is hereby changed and transferred to the circuit court of Marion county; and it is hereby made the duty of the clerk of the circuit court of Harrison county aforesaid, on the demand of any one of the attorneys heretofore employed, or retained by the plaintiff in said cause, to deliver to such attorney, or his order, the papers on file in his office, in any way connected with or relating to said suit, and also a transcript of the record of the proceedings in said suit, from the order book in his said office, duly certified under his signature, and the seal of said court. And the said attorney, or his agent, shall deposit said papers and transcript, with the clerk of the said Marion county circuit court, who shall file the same in his office, and docket said cause for trial at the term ensuing such docketing; and the circuit court of Marion county, shall thereupon take jurisdiction of the same, in like manner, and for like purposes, and to like effect, as if it had been originally commenced in said Marion county circuit court.

Venue changed.

Papers and records, how furnished, and where deposited.

Jurisdiction given.

This act to be in force from and after its passage.



## JOINT RESOLUTIONS.

## CHAPTER LXXIII.

A Joint Resolution relative to Printing certain Acts.

[APPROVED—FEBRUARY 12, 1825.]

*Resolved by the General Assembly of the State of Indiana,*  
That the public printer be, and he is hereby directed to print, as soon as possible, five hundred copies of each of the following acts, to wit: "An act to amend an act for assessing and collecting the revenue." "An act to amend the act regulating the judicial circuits, and fixing the times of holding courts." And, "An act authorizing special sessions of the circuit courts;" and deliver the same to the secretary of state, whose duty it shall be to transmit the same to the clerks of the respective counties, in the same proportion as is directed by law for the distribution of the acts, joint resolutions, and journals of the present general assembly.

Certain acts to be printed.

How distributed.

## CHAPTER LXXIV.

A Joint Resolution respecting purchasers of public lands.

[APPROVED—JANUARY 21, 1825.]

WHEREAS, many of the citizens of this state, purchasers of public land, omitted to take advantage of the extended credit granted to them by acts of congress, under certain regulations; some being under a moral conviction that the earnings of honest labour would enable them to accomplish the original purchase, and others being ignorant of the requisition required of applying to the register of their land district, and filing an application under the law, to benefit by its enactments: Whereas, the honest purposes of many citizens have been frustrated by the increased depression in the staple productions of our soil, the scarcity of money, and the price of both real and personal property, and even the hope of others has darkened into despair, by the authorized construction given to acts passed for their relief, which restricts all relin-

Preamble.

quishments received in payment to such certificates, as were registered for extended credit: And whereas, it cannot be the policy, or the interest of the general government, to exact a forfeiture of money for property, which in many cases, reverts with improvements, without any wilful delinquency, and solely on account of paralyzed enterprise and general distress; but must rather be its aim and desire to grant equitable relief to all: Therefore,

*Resolved by the General Assembly of the state of Indiana,*  
That our senators in congress be instructed, and our representatives requested to use their exertions to extend the salutary effects of laws heretofore passed, for the relief of purchasers of public land, to all holders of certificates who failed to file their application for extended credit; that they or their legal representatives, shall hereafter be allowed to apply the instalments paid, in the same manner and with the same privileges as they could now do, if they had filed their application for credit with the register of their respective land districts.

Senators in Congress instructed, and Representatives requested to use their exertions to procure certain relief.

*Resolved,* That his excellency the governor be, and he is hereby requested to forward a copy of the foregoing preamble and resolution, to each of our senators and representatives in the congress of the United States, as soon as convenient, with a request that they may present the same to the house of representatives of which they are members.

Copies to be transmitted.

## CHAPTER LXXV.

A Joint Resolution of the General Assembly relative to the removal of the Land-Office at Brookville to Indianapolis.

[APPROVED—FEBRUARY 3, 1825.]

WHEREAS much inconvenience and expense have resulted to purchasers of public lands, in consequence of the remote situation of the land-office at Brookville; and whereas, the accommodation of our citizens will be greatly promoted by the removal of the land-office aforesaid, to the seat of government for this state: Therefore,

Preamble.

*Resolved by the General Assembly of the state of Indiana,*  
That the president of the United States be respectfully requested to direct the removal of the land-office, now at Brookville, to the town of Indianapolis.

Pre'st U. S. requested to order removal of land-office. Copies to be transmitted.

*Resolved,* That the governor of this state be requested, to transmit the foregoing preamble and resolution, to the president of the United States, and to each of our senators, and representatives in congress.



## CHAPTER LXXVI.

A Joint Resolution of the General Assembly, relative to certain Mail Routes.

[APPROVED—FEBRUARY 10, 1825.]

Preamble.

WHEREAS a portion of the citizens of this state labour under much inconvenience, from the want of a sufficient number of mail routes, to insure the regular, and general diffusion of intelligence, and to afford the benefits of the post office establishment to many portions of the state:

Therefore,

Certain mail routes recommended.

*Resolved by the General Assembly of the State of Indiana,* That our senators and representatives in congress, be requested to use their exertions to procure the passage of an act, establishing the following mail routes, to wit: From Jeffersonville to Fort Wayne, via Providence, Salem, Brownstown, Columbus, Franklin, Indianapolis, and Noblesville:—Secondly, from Charlestown to New Castle, via Lexington, Vernon, Greensburgh, Rushville, and West Liberty:—Thirdly, from Indianapolis to Rome, via Martinsville, Bloomington, Palestine, Orleans, Paoli, Hindostan and Portersville:—Fourthly, from Portersville to Owensburg in Kentucky; and also to provide for the regular weekly transmission of the mail from Indianapolis, to the town of Vevay in the county of Switzerland, via the towns of Napoleon, and Versailles, in the county of Ripley; and from Indianapolis to Lawrenceburgh, via Napoleon, Greensburgh, and Shelbyville: and that the governor be requested to transmit a copy of this resolution and preamble to each of our senators, and representatives in congress.

## CHAPTER LXXVII.

A Joint Resolution of the General Assembly relative to the agent of the three per cent. fund.

[APPROVED—FEBRUARY 3, 1825.]

Preamble.

WHEREAS, Christopher Harrison, agent of the three per cent. fund, has submitted to the general assembly, vouchers for monies by him paid to the various road commissioners, appointed by an act entitled "an act authorizing the laying off certain state roads in this state, and appropriating one hundred thousand dollars of the fund commonly called the three per cent. fund, for opening the same"—approved, December 31, 1821, and has requested of the general assembly, a *quietus* for the monies so paid: Therefore,

*Resolved by the General Assembly of the state of Indiana,* That Christopher Harrison, agent of the three per cent. fund, be, and he is hereby discharged and released from any claim on the part of the state, for fifty-six thousand six hundred sixty four dollars, twenty-eight and five sixth cents, said sum being the amount for which vouchers have been laid before this general assembly, and a certified copy of this resolution, shall be a sufficient *quietus* to the said agent for the said amount.

Agent discharged as to a certain sum.

## CHAPTER LXXVIII.

A Joint Resolution disapproving the amendment proposed by the state of Georgia, to the Constitution of the United States, on the subject of the ingress of people of color into the several states of the Union.

[APPROVED—FEBRUARY 3, 1825.]

*Resolved by the General Assembly of the State of Indiana,* That it is inexpedient to make the amendment to the constitution of the United States as proposed in the resolution of the general assembly of the state of Georgia, adopted on the twenty second of December, eighteen hundred and twenty three; and that this general assembly do hereby disapprove of the same.

Amendment proposed by Georgia, disapproved of.

*Resolved,* That his excellency, the governor of this state, be, and he is hereby requested to transmit a copy of this resolution to each of the executives of the several states in the Union, and to each of our senators and representatives in congress.

Copies to be transmitted.

## CHAPTER LXXIX.

A Joint Resolution respecting the gradual emancipation of slaves and colonization of people of color within the United States.

[APPROVED—FEBRUARY 7, 1825.]

WHEREAS, the general assembly of the state of Ohio, did, at their session in one thousand eight hundred and twenty-four, adopt the following resolution, and request the concurrence of the several states of the Union therein, to wit: "Resolved by the general assembly of the state of Ohio, that the consideration of a system providing for the gradual emancipation of the people of color, held in servitude in the United States, be recommended to the legislatures of the several states of the American Union,

Preamble.



System of foreign colonization.

Slavery a national evil.

Ohio resolution approved of.

and to the congress of the United States. Resolved, that in the opinion of this general assembly, a system of foreign colonization with correspondent measures, might be adopted that would, in due time effect the entire emancipation of the slaves in our country, without any violation of the national compact, or infringement of the rights of individuals, by the passage of a law by the general government, (with the consent of the slave holding states,) which should provide that all children, of persons now held in slavery, born after the passage of such law, should be free at the age of twenty-one years, being supported during their minority by the persons claiming the services of their parents, providing they then consent to be transported to the intended place of colonization. Also, Resolved, that it is expedient that such a system should be predicated upon the principle, that the evil of slavery is a national one, and that the people, and the states of this Union, ought mutually to participate in the duties and burdens of removing it." Therefore,

*Resolved by the General Assembly of the state of Indiana,* That we do approve of, and cordially concur in the aforesaid resolutions of the state of Ohio, and that his excellency the governor be requested to communicate the same to the executives of each of the several states in the Union, and each of our senators and representatives in congress, requesting their co-operation in all national measures to effect the grand object therein embraced.

## CHAPTER LXXX.

A Joint Resolution of the General Assembly.

[APPROVED—FEBRUARY 12, 1825.]

*Resolved,* That the district prosecutor, for the third judicial district, be authorized to hear, and investigate the claims of the surviving partner of the late firm of Caswell and Drew, so far as connected with the claims of the state of Indiana, against the collector of the counties of Wayne, and Fayette, for the year eighteen hundred and twenty, and after hearing the testimony, and investigating the claim aforesaid, he shall give an official statement of the amount of credits which the said firm is entitled to, for any kind of money by them collected, and for which they have not had a satisfactory credit; and the said prosecutor, in making such investigation shall take in consideration all reasonable circumstances in favour of said firm; which official statement shall authorize the treasurer of state to al-

Pros'g att'y for 3d circuit, to investigate the claims of the surviving partner of the firm of Caswell & Drew. To make a statement of credits.

low the same; but if in his opinion the same ought not to be allowed, he shall forthwith proceed to prosecute the said attorney for the said balance.

Treasurer to allow the same.

## CHAPTER LXXXI.

A Joint Resolution of the General Assembly relative to Fall Creek Mills.

[APPROVED—FEBRUARY 12, 1825.]

*Resolved by the General Assembly of the state of Indiana,* That the prosecuting attorney of the fifth judicial circuit be hereby instructed to enquire into the situation of the lease given to William M'Cartney and John M'Donald, at the falls of Fall Creek, and if in his opinion the said lessees have not complied with their contract, and the interest of the state requires his interference, he is hereby required to commence suit against the said William M'Cartney and John M'Donald, and conduct the same in such manner as will best conduce to the interest of the state.

Pros'g att'y to institute an enquiry.

May commence suit.

This resolution to take effect from and after its passage.

## CHAPTER LXXXII.

A Joint Resolution relative to the Regiment composed of the counties of Allen and Randolph.

[APPROVED—FEBRUARY 10, 1825.]

*Resolved by the General Assembly of the state of Indiana,* That the brigadier general commanding the thirteenth brigade be, and he is hereby authorized and directed to dispense with the regimental muster, and drill, in the regiment composed of the counties of Allen and Randolph, and in lieu thereof, order that the battalions or companies in said regiment, drill and muster separately in the month of October; and the officer whose duty it may be to order elections for field and general officers in said regiment, shall order that the same be holden in the respective battalions or companies of his regiment, any proceedings relative to an election for field officers in said regiment heretofore had, or the provisions of the act regulating the militia of Indiana, to the contrary notwithstanding; and that the militia of the counties of Johnson and Hendricks, shall be drilled within their respective counties, at such times and places as the commandants of their respective regiments shall direct.

Regimental and drill musters dispensed with in Randolph and Allen.

To muster by battalions or companies. Elections for field and general officers, how holden.

Militia of Johnson and Hendricks, how to muster.

This resolution to take effect and be in force from and after its passage.



## CHAPTER LXXXIII.

A Joint Resolution of the General Assembly in reference to Major General Lafayette.

[APPROVED—JANUARY 28, 1825.]

Report of  
committee.

The committee to whom was referred a joint resolution of the general assembly directing them to take into consideration the propriety of the general assembly's expressing their sentiments in reference to Major-general Lafayette, respectfully report the following preamble and resolutions.

Preamble.

*The Senate and House of Representatives of the state of Indiana, in General Assembly convened,* Would be deficient in respect to the feelings of their constituents, and unmindful of their obligations to a distinguished benefactor did they fail to join the pean of national gratitude, and unanimous welcome to Major-general Lafayette on the occasion of his late arrival in the United States. It is scarcely necessary for them to say that they unanimously accord with the sentiments expressed towards their illustrious friend by the chief magistrate of the Union, and cordially add their sanction to the provision in his favour recently enacted by congress. The latter they view as the smallest return for his preeminent services and sacrifices, the American people could make, or the guest of the nation receive. It is the dignity of a spectacle unparalleled in the history of man, which they peculiarly feel and admire. Ten millions of hearts spontaneously offering the homage of their gratitude to a private individual, unsupported by rank, or power, for services long past, of the purest and most exalted character; whilst they furnish consoling evidence that republics are not ungrateful, also carry with them the delightful conviction, that the sons of America have not degenerated from their fathers of the revolution.

In pausing to contemplate with appropriate feelings this sublime example of popular gratitude, united with reverence for character and principles, the General Assembly learn with peculiar satisfaction, that it is the intention of General Lafayette to visit the western section of the United States. The felicity denied by a mysterious providence to the father of his country has, it is hoped, been reserved for his adopted son. What the immortal Washington was permitted to see only through the dark vista of futurity, will be realized in the fulness of vision, by his associate in arms and glory.

The general assembly, hail with inexpressible pleasure, the prospect of this auspicious visit. They cannot, they are aware, receive their benefactor in the costly abodes of magnificence and taste, nor vie with their sister states in the embellishments of a hospitality more brilliant than it is theirs to offer; but not more sincere. But they can, and do,

in common with the whole American people, welcome him to a home in their hearts.

They feel persuaded, that he will take a deep interest in this part of our country, which, though not the actual theatre of his generous labors, has emphatically grown out of the glorious results of his revolutionary services. On the west of the Alleghany mountains, our illustrious guest, will behold extensive communities of freemen, which within the period of his own recollection, have been substituted for the trackless wilderness. Where, forty years ago, primeval barbarism held undisputed sway over man and nature; civilization, liberty and law, wield the mild sceptre of equal rights; it is here, that our illustrious friend will find his name, his services, and we trust, his principles flourishing in perennial verdure. Here too, may he enjoy the exulting prospect of seeing them, in the language of a favorite son of the west, "transmitted with unabated vigor down the tide of time, to the countless millions of posterity."

In accordance with the preceding sentiments, the general assembly adopt the following resolutions:

*Resolved,* That this general assembly, in common with their fellow citizens of the state and Union, entertain the highest admiration for the character, and the most heartfelt gratitude for the services of major general Lafayette, and most cordially approve of every testimonial of kindness and affection, he has received from the people and government of the United States.

*Resolved,* That in the opinion of this general assembly, it would afford the highest gratification to the citizens of Indiana, to receive a visit from their revered and beloved benefactor, the only surviving general of the American revolution; and that the governor of this state be requested, without delay, to transmit to gen. Lafayette, this, with the preceding resolution and preamble, accompanied by an invitation to visit this state, at the seat of government, or such town on the Ohio river, as the general may designate.

*Resolved,* That the governor of the state, together with such officers and citizens as may find it convenient to attend at the point selected by general Lafayette, do receive him with the honors due to the illustrious guest of the state and nation, and that the governor draw on the contingent fund, for the payment of all expenses incurred in executing these resolutions.

*Resolved,* That the governor be requested to transmit a copy of the foregoing preamble and resolutions to the president of the United States, and to each of our senators and representatives in congress.



## Major Allison.

## CHAPTER LXXXIV.

A Joint Resolution of the General Assembly for the benefit of Major John Allison.

[APPROVED—FEBRUARY 7, 1825.]

Major Allison recommended. *Resolved by the General Assembly of the state of Indiana,* That they consider the former public services of Major John Allison, connected with his present age, infirmity, and helpless condition, as presenting a strong and meritorious claim on the general government for such donation or bounty, as will provide a shelter for his declining years, and protect him, together with a large and helpless family, from that poverty and want by which they are now oppressed.

Copies to be transmitted. *Resolved,* That the governor be requested to transmit a copy of these resolutions, and of the memorial of major Allison addressed to this General Assembly, in the correctness of which they entertain entire confidence, to each of our senators and representatives in congress; and that they be requested to use their exertions in presenting to their respective houses, the wishes of this General Assembly in reference to the subject of these resolutions.

OFFICE OF THE SEC'Y STATE,  
April 26, 1825.

STATE OF INDIANA, to wit:

I, WILLIAM W. WICK, Secretary of state for the state of Indiana, certify that I have diligently compared the printed copies of the Laws of Indiana, contained in the foregoing pamphlet, with the original rolls in this office, and that I have found the same correct.

Done at Indianapolis the day and year aforesaid.

WM. W. WICK,

## REPORTS

OF THE TREASURER OF STATE AND AUDITOR OF PUBLIC ACCOUNTS, FOR THE YEAR 1824.

*Treasury Department, January 13, 1825.*

The Treasurer, in obedience to the directions of the act, entitled "An act concerning the auditor of public accounts and treasurer of state," respectfully submits the following report of the public revenue and expenditure, from Nov. 29, 1823, to Dec. 31, 1824:

Amount on hand at the last annual report,	\$1,733 98
Payments during the above period for assessments for the	
year 1817,	112 00
1821,	175 00
1822,	1,158 56
1823,	22,736 39
1824,	26,586 30
Loans, exclusive of seminary fund on hand last year,	5,550 00
Receipts of superintendents of salt lick reserves,	111,65
Penalties recovered of Messrs. Bradford and Moore, former	
collectors of Clark county,	62 76
Collections of unlisted property and delinquents,	153 48
Payment by John Carr, late agent for Indianapolis,	85 50
By the present agent,	4,974 25
	<u>\$63,439 87</u>

During the same period the following sums have been paid at the treasury:

For public printing,	\$2,769 84
For contingent expenses,	660 10
For expenses of the last General Assembly, and such special appropriations as come under no general head,	12,000 03
For claims on account of the seat of Government,	5,841 75
For interest on treasury notes,	905 75
Interest to Rapp,	291 00
For claims on account of state prison,	3,614 76
For warrant No. 196, given to John Turner for wolf scalps,	112 00
For expenses of presidential election,	232 59
To the officers of the Judiciary,	6,999 23
To the officers of the Executive department,	3,050 00
To the Attorney General,	250 00
To the Adjutant General,	125 00
Amount in the Treasury,	26,587 78
	<u>\$63,439 87</u>



The warrants outstanding on the first day of January inst. were nineteen in number; on which the sum due on legislative claims, was \$264 20; on judiciary, \$595 48; on state prison, \$103 00; to electors, 40 33; to circuit prosecutors, \$214 50; amounting in all, to \$1,217 53.

The demands against the treasury, that will arise during the present year in addition to the above, are

Treasury notes in circulation,	4,565 00
Supposed interest on same,	300 00
Instalment of loan to Rapp, and interest,	1,300.00
United States' assignees of Vincennes bank,	2,210 34
Current expenditures same as lowest for three years past,	20,970 56

Total, \$30,603 43

The cash on hand, deducting \$15,435 00 Treasury notes, is 11,152 78. After deducting delinquencies returned, and commissions on the assessments of 1824, the amount unpaid on the 1st January instant, was about \$9000 00. Of this sum, at least \$1,000 more in delinquencies will be returned. Of the balances due on the first of January 1824, \$13,736 42 have since been paid. The remainder of those balances then thought to be secure, added to what may still be expected from the revenue of 1824, will make the credits of the state about \$15,000.—Should the collection of this sum progress as heretofore, \$9,000 of it may be expected to be paid in the year 1825. The anticipations of the revenue of the year 1825, will therefore be at least eleven thousand dollars, and that sum will be considerably increased, should the expenses of this year equal those of either of the two past years. The payments into the treasury since the first Jan. inst. to this date, (the 13th,) amount to \$4,618 36. This, with what was previously paid, satisfies the amount charged against the counties of Allen, Wayne, Union, Fayette, Franklin, Ripley, Jennings, Clark, Floyd, Spencer, Warrick, Gibson, Knox, Daviess, Martin, Sullivan, Parke, Montgomery, Marion, Morgan, Johnson, Hamilton and Shelby. Small sums only are due from the counties of Randolph, Dearborn, Switzerland, Jefferson, Harrison, Washington, Jackson, Lawrence, Orange, Crawford, Dubois, Pike, Posey, Greene, Owen, Decatur, Bartholomew and Scott. The counties which have yet paid nothing, are Hendricks, Henry, Madison, Perry, Putnam, Rush and Vermillion.

The suit against the late treasurer, is yet undecided; having been twice continued by his affidavit.

I have the honour to be, &c.

SAMUEL MERRILL.

AUDITOR'S OFFICE,  
Indianapolis, 15th Jan. 1825. }

The Auditor of Public Accounts, in obedience to an act of the General Assembly, entitled "An act concerning the Auditor of Public Accounts and Treasurer of State," submits the following report, to wit:

There has been received from sundry collectors from the 29th Nov. 1823, exclusive, to the 31st December 1824, inclusive, on account of revenue arising for the year 1823, and for balances due for 1817, 1821 and 1822, the sum of	\$24,181 95
From sundry collectors for the year 1824, the sum of	26,693 30
On loans exclusive of seminary funds on hand last year, the sum of	5,550 00
Receipts of superintendents of salt lick reserves,	111 65
Damages collected of late collectors of Clark county,	62 76
Collections of unlisted property and delinquents, certified to me by the treasurer, the sum of	153 48
From John Carr, late agent at Indianapolis,	85 50
From B. F. Morris, the present agent, the sum of	4,974 25
Making in all, the sum of	<u>\$61,812 39</u>

There was a deficiency of monies to meet the claims audited to the 29th of Nov. 1823, as per former report,

The sum of	\$971 91
Since that period to the 31st Dec. 1824, there has been audited in liquidation of the accounts of the state prison,	1,689 22
In liquidation of the judiciary department, the sum of	7,046 91
In liquidation of the executive department, the sum of	2,750 00
In liquidation of militia expenses, the sum of	125 00
In liquidation for stationary for the use of the last General Assembly, the sum of	193 19
In liquidation of the expenses of the last General Assembly, and special appropriations which come under no general head, the sum of	11,973 62
In liquidation of the attorney general's salary, the sum of	200 00
In liquidation of the expenses for the presidential election, the sum of	272 92
In liquidation of the public printing; the sum of	2,769 84
In liquidation of expenses for circuit prosecutors,	214 50
In liquidation for interest on loan,	291 00
In liquidation for interest on treasury notes,	905 74
In liquidation of the seat of government accounts,	527 50
In addition to the above sum audited, there has been paid to the commissioners of Marion county, the sum of	4,749 25
In liquidation of the contingent expenses of government,	660 10
Error in over payment by Col. Noble,	107 00

Making in all, the sum of \$35,447 70



*Auditor's Report.*

Which deducted from the sum of 61,812 89, as reported to have been received, will leave a balance in the hands of the treasurer, provided all the claims audited to this date have been paid, the sum of \$26,365 19, from which deducting \$983 60 retained by the former treasurer, leaves a balance of 25,381 39.

The assessments of all the counties in the state for revenue for the year 1824, is

Delinquent lists for 1822 and 1823, the sum of \$43,025 63  
1,263 21

From delinquents and unlisted lands, the following returns have been made of money collected: from the county of Clark, \$194 82; from the county of Daviess, \$18 50; from the county of Fayette, \$7 39; from the counties of Washington, Gibson and Franklin, \$153 48, as above reported to have been received by treasurer; from Marion, \$8 50; Montgomery, \$5 50; Orange, \$7 15; Pike, \$4 30; Union, \$51 93, in all,

\$451 57

Sum total, \$44,740 41

Delinquent credits returned from 37 counties, for 1824, the sum of

\$3,935 67

Allowance for advertising,

539 25

For maps furnished different counties,

106 00

Probable delinquencies and allowances yet to be made, the sum of

1,300 00

Commission on amount calculated to be paid,

3,240 00

Sum total, \$8,820 92

Leaving a balance for the treasury, of

\$35,919 49

The following items constitute the state debt:

Treasury notes, \$20,000 00

Road and canal fund, principal and interest, 6,200 00

United States' assignees of Vincennes bank, 2,210 34

Frederick Rapp, the sum of 5,000 00

Seminary fund, the sum of 971 76

Estimated interest for treasury notes, 300 00

Sum total, \$34,682 10

From which deduct the amount on hand, amounting to 25,381 39

Leaving a balance of 9,300 71

All of which is respectfully submitted.

WM. H. LILLY, Aud. Pub. Ac'ts.

**INDEX.**

AGENT of the three per cent. fund, required to pay over certain monies,	3	how long to sit in	do.	do.	ib.
AGENT AT INDIANAPOLIS, his salary reduced,	ib.	when to be holden in second circuit,	19		
to sell certain reserved lots,	ib.	how long to sit in	do.	do.	ib.
to give notice of sale,	ib.	when to be holden in the fifth circuit,	ib.		
what payments to require upon lots sold,	2	how long to sit in	do.	do.	ib.
to re-sell forfeited lots,	ib.	in Madison when, and how long to sit,	20		
when to require interest upon payments,	ib.	Allen, when and how long to sit,	ib.		
when to permit forfeited lots to be redeemed,	ib.	in Crawford when and how long to sit,	ib.		
to lease a ferry on White River,	ib.	extra number of jurors in certain cases, and their fees,	ib.		
to cause obstructions in Pogue's run to be removed,	3	special sessions may be holden,	21		
to sell certain out-lots,	ib.	time for holding special sessions fixed by sheriff,	ib.		
to give notice thereof,	ib.	president judge to be notified by sh'ff,	ib.		
late agent, his compensation for contingent expenses,	2	jurors, how summoned at special sessions,	ib.		
ADMINISTRATORS, of T. Osborn, dec'd, authorized to convey certain lands under a decree of the C. court of Franklin,	7	powers of courts at special sessions, notification of special sessions to be filed,	ib.		
Of J. H. Piatt, authorized to sell lands of dec'd in this state,	6	accused to be notified of special session,	22		
APPROPRIATIONS, general,	9	pros. att'y to be notified by sh'ff,	ib.		
specific,	10	duties of pros. att'y at special sessions, indictments found at special sessions, how taken,	ib.		
BOUNDARIES, [See county boundaries.]		allowances at special sessions,	ib.		
CLERKS, to docket transcripts of justices' judgments,	12	special pros. att'y may be appointed at special sessions,	ib.		
what fee to demand for so doing,	ib.	COURTS DOING COUNTY BUSINESS, their proceedings legalized,	23		
entry of transcript to bind real estate, when to issue fi. fa. on transcripts, not till the return of a summons or sci. fa.	ib.	DAMAGES assessed in Sullivan county, how paid,	24		
See enumeration, execution, roads, revenue.	ib.	ENUMERATION of inhabitants to be taken,	ib.		
COLLECTORS of county revenue, to pay such funds as they collect, to make lists of funds collected, under oath,	13	duty of clerks relative thereto,	25		
of state revenue for 1824, discharged from per centum,	ib.	duty of auditor and secretary of state relative thereto,	ib.		
entitled to refunding of per centum in certain cases,	ib.	duty of listers relative thereto,	ib.		
See further revenue.	14	penalty for neglect of duty relative thereto,	ib.		
CONSTABLES, see execution, estrays.		ESTRAYS, duty of taker up relative thereto,	26		
COUNTY BOUNDARIES of Union designated,	ib.	duty of justices and constables relative thereto,	ib.		
of Marion enlarged,	15	when vested in taker up,	ib.		
between Pike and Gibson changed,	ib.	EXECUTION, may be done by ca. sa. or fi. fa. in the election of creditors, upon certain conditions,	27		
between Warlick and Spencer changed,	16	debtors, where to be imprisoned, and process to foreign counties regulated,	ib.		
of Clay county designated,	17	may be replevied,	ib.		
COURTS, CIRCUIT, when to be holden in the first circuit,	13	EXECUTION bonds replevying, to be recorded,	ib.		
		bonds replevying may be taken by clerks,	ib.		
		effects of bonds replevying and of re-			



- cognizances of record, 28  
 replevying of, or of judgments, no satisfaction of original judgment, defendant may forfeit his right of selecting property, 28  
 by writ of ca. sa. may be done by justices, 29  
**EXTORTION**, see fees, pilots.  
**FEES** of clerks and sheriffs who may resign, be removed or die, how collected, 28  
 of clerks for issuing fee bills in such cases, 28  
 overcharged, penalties and remedy therefor, 28  
 bills to be taxed, 28  
 of pilots at the Falls of Ohio, see pilots,  
 of jurors, see circuit courts,  
 of clerk for docketing transcripts, see clerks.  
**IMPRISONMENT**, see execution.  
**INCORPORATION** of Charlestown, 30  
 of Madison, 32  
 of Medical Societies, 36  
 of Tanner's creek Bridge Company, 40  
 of townships in Dearborn county, 43  
 See libraries, schools.  
**JURORS**, see circuit courts.  
**JUSTICES**, see clerks, estrays, execution, ne exeat.  
**LAWS** how to be published, see printing.  
**LIBRARIES**, COUNTY trustees of, how elected, 46  
 trustees to be elected triennially, 46  
 how to incorporate themselves, 47  
 their corporate powers, 47  
 succession of corporation provided for, 47  
**LIBRARY**, STATE established, and for whose use, 47-48  
 appropriations therefor, how to be expended, 48  
 time of keeping books, and penalty for detention, 48  
 Sec'y of state, librarian, his duties, &c. 48  
 expenses of transportation of books, &c. how paid, 49  
**LIEN**, see clerks, execution, revenue.  
**LICENSE** to vend merchandise, see revenue,  
 to retail spirits, see taverns.  
**LISTERS**, see enumeration, revenue.  
**MALFEASANCE**, see extortion, revenue.  
**MEDICINE**, see incorporation.  
**NAVIGATION**, see rivers.  
**NE EXEAT**, writs of when to be issued by justices, 49  
 to whom to be directed, 50  
 bonds to be filed previous to issuing, 50  
 remedy to persons aggrieved by the issuing thereof, 50  
 defendants, when committed and when discharged, 50  
 parties may appeal, 50  
 costs by whom paid, 51  
 bail of defendant may secure his principal, 51  
 may issue for the benefit of securities, 51  
**NONFEASANCE**, see enumeration, pilots,  
 recorders, revenue, rivers, roads.  
**PILOTS** at the Falls of Ohio to be appointed by governor, 51  
 to give bond with security, 51  
 their fees, 51  
 penalty for requiring more than their legal fees, 52  
 penalty for neglect of their duty, 52  
 penalty for acting without authority, 52  
**PRINTING** and distributing of laws and journals, 30  
 and publication, mode of prescribed, 30  
 53, 54, 55,  
**PROBATE COURT** constituted of associate judges, 55  
 when to be holden, 56  
 of either of two counties may have jurisdiction in certain cases, 56  
 proceedings thereof subject to review of C. C. 56  
**PROCESS** may issue to foreign counties, 36  
 see execution.  
**PROPERTY**, when bound, see clerks, execution, revenue.  
**RELIEF** of securities of sheriff of Floyd, 56  
 of Butler, Odle, Noble, Tynner and Winchell, 58  
 of William Rodman, 58  
 of securities of late collector of Clark, 59  
 of Richard Palmer, 60  
 of John Smock, 60  
 of Charles Crabb, 61  
 of John D. Stevenson, 61  
**RECORDERS** to make an index to their records, 62  
 penalty for neglect thereof, 62  
 may appoint deputies, 62  
**REGISTER**, see revenue.  
**REPLEVY**, see execution.  
**REVENUE**, register of lands to be procured by auditor, 64  
 lands forfeited and owned by U. S. not subject to revenue, 64  
 map of lands to be procured by aud. 64  
 copies of register and map to be furnished to clerks by auditor, 64  
 clerk to file and preserve register and map, 64  
 register and map to be procured annually, 64  
 copies thereof to be forwarded to clerks, 64  
 assessment rolls to be compared with register and map, 64  
 non-residents' lands subject to tax, 65  
 how ascertained, 65  
 and tax thereon how collected, 65  
 assessment roll to be examined and accepted by B. J. and filed by clerk, 65  
 assessment roll to be corrected annually, 65  
 lands subject to tax to be extracted from register and map, 65  
 remedy for failure in appointment of lister, 65  
 repeal of certain provisions respecting

- revenue, 66  
 revenue shall be demanded at least once, 66  
 when to be collected by distress, 66  
 mode of collecting by selling lands and lots, 66  
 delinquent list to be allowed as a credit to collectors, 67  
 revenue due, a lien on lands and lots, 67  
 mistake in the name of owner of land not fatal to sale for revenue, 67  
 objects thereof for state purposes, 67  
 certain persons may be exonerated from poll tax, 67  
 objects thereof for county purposes, 68  
 to be first applied to payment of certain claims, 68  
 license to vend merchandise restricted, 68  
 poll tax for co. purposes discretionary, 68  
 poll tax not to exceed fifty cents, 68  
 listers and collectors of state revenue shall be listers and collectors of county revenue, 69  
 rolls and duplicates of state revenue, distinct from rolls and duplicates of county revenue, 69  
 collectors of state revenue entitled to mileage, 69  
 mileage may be forfeited, 69  
 duty of purchasers of lands at a sale for taxes, 69  
 sheriff's shall collect if no other person will, 69  
 penalty for refusing to collect, 69  
 collections may be made retrospectively, 69  
 property of state debtors bound from the teste of process, 69  
 state claims preferred to private debts, 69  
 state claims may be collected by attachment, 69  
 delinquent lists, how collected, 69  
 revenue to be assessed and collected retrospectively, 69  
 revenue collected and assessed retrospectively, to be returned on oath, 70  
 penalty for false return of such collections, 70  
 to be collected retrospectively for 1824 in certain counties, 70  
 pros. att'y to overhaul retrospectively, 70  
 penalty against defaulters, 70  
 mistakes in favour of the state in assessing provided for, 70  
 specific duty of collector of Washington, touching the revenue, 70  
 mistakes against the state in assessing provided for, 70  
**RIVERS**, 5th section of an act declaring certain streams navigable, repealed, 62  
 Eastern and Western branches of White River to be examined, 63  
 navigation of Blue River to be improved, 72  
 who liable to work thereon, 73  
 navigation of Sugar creek to be improved, 73  
 proved, 73  
 com'rs appointed for that purpose, 73  
 their powers, duties & compensation, 73  
 who liable to work on Sugar creek, 73  
 owners of dams thereon to make slopes, 73  
 penalty for neglect, 73  
 Elk creek navigation to be improved, 73  
**ROADS**, who exempt from both tax and labour, 74  
 two days labour for personal privilege, 74  
 tax to half the amount of tax on lands and lots, 74  
 who exempt from labour only, 74  
 tax may be discharged in labour, 74  
 contingent exemption, 75  
 in the New Purchase four days labour required, 75  
 hands may be called out at any time, 75  
 penalty for refusal to labour, 75  
 road tax on non-residents' lands, 75  
 may be discharged in labour by agent or otherwise, 76  
 supervisors not liable for costs, 76  
 supervisors competent witness, 76  
 Penalty against supervisors for neglect of duty, 76  
**ROADS**, STATE how changed after being laid out, 76  
 how changed after being opened, 77  
 when the proposed change extends to two counties, 77  
 payment of damages accruing by S. roads, how enforced, 79  
 proceedings of com'rs on certain state roads legalized, 79  
 certain expenses to be paid out of 3 per cent. fund, 80  
 compensation to commissioners on road from Terre-Haute to F. Wayne, 80  
 separate com'r on road from Mank's ferry to Indianapolis, 81  
 bridge to be built on road from Bethlehem to Columbus, 82  
 state road from Terre-Haute to the state boundary, 82  
 from Harmonie to the Poke Patch, 83  
 from Indianapolis to Fort Wayne, 84  
 review of part of a state road from Highlands to Indianapolis, 86  
**SALTPETRE CAVES**, law respecting, modified, 87  
**SEAT OF JUSTICE** of Madison, how and when to be located, 88  
 of Lawrence to be re-located, 88  
 of Posey to be re-located, 90  
**SECRETARY** of STATE, to brand, preserve and register state property, 92  
 See enumeration, library, printing.  
**SCHOOLS** in Clark's Grant, law respecting, revived, 93  
 district trustees of schools, their duty, 93  
 additional school funds, how assessed and collected, 93  
 school lands not to be leased for a longer term than ten years, 94  
 school trustees appointed by board of



- justices, when not otherwise chosen, *ib.*  
 SEMINARY in Union county established  
 in Knox to be governed by the general  
 law, 96  
 duty of sheriffs, pros. att'ys and clerk  
 touching seminary funds, *ib.*  
 improved lands in Monroe to be rented, 97  
 lessee thereof to give bond, *ib.*  
 minimum price per acre, 98  
 rents, profits and interest on fund ap-  
 propriated, *ib.*  
 agent to be sworn and give bond, *ib.*  
 compensation to agent, *ib.*  
 vacancy in agency, how filled, 99  
 trustees to report to G. A. *ib.*  
 license to cut timber, &c. on seminary  
 land, *ib.*  
 SHERIFFS, See C. courts, execution, re-  
 venue, clerks.  
 SUBPOENAS to foreign counties, see exe-  
 cution.  
 TAVERNS, number of freeholders to re-  
 commend tavern keepers, 99  
 their certificate and the qualifications  
 and bond of tavern keepers, amplified  
 and extended, 100  
 tavern keepers not liable for losses by  
 accidental fire, *ib.*  
 VENUE changed in the case of state, vs.  
 Lane, 101  
 JOINT RESOLUTIONS,  
 relative to printing certain acts, 102  
 respecting purchasers of public lands, *ib.*  
 relative to the removal of the land-  
 office at Brookville to Indianapolis, 103  
 relative to certain mail routes, 104  
 relative to the agent of the three per  
 cent. fund, *ib.*  
 disapproving the amendment propos-  
 ed by the state of Georgia to the con-  
 stitution of the United States, on the  
 subject of the ingress of people of co-  
 lour into the several states of the U-  
 nion, 105  
 respecting the gradual emancipation  
 of slaves, and colonization of people  
 of colour within the United States, *ib.*  
 a joint resolution of the G. A. 106  
 relative to Fall creek mills, 107  
 relative to the regiment composed of  
 the counties of Allen and Randolph, *ib.*  
 in reference to Major-general Lafay-  
 ette, 108  
 for the benefit of Major John Allison, 110



